



USURIES SPRIGHT  
CONIURED:

OR

A Scholasticall Determination of  
*Usury* by T. P. Doct. of Divinity,  
being Moderator at the disputing  
*thereof* by certeine Bachelers  
of Divinitie and other  
*learned Preachers:*

18

With his Answer to a Treatise, written  
*in defence of Usurie.*

BASIL. hom. adv. usur.

Οὐαὶ οἱ λέγοντες τὸ πικρὸν γλυκὺ, καὶ οἱ μισανθρώπων,  
φιλανθρώπων προσκαρτεροῦντες.

Seene and allowed.



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LONDON,  
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dwelling in the *Little-Old-Bailie* in  
*Ellets Court.* 1604.

2020:01





T O T H E R I G H T

Honourable, my singular good  
*Lord, the Earle of Dorset, L. high*  
Treasurer of England, Knight of the no-  
*ble Order of the Garter, and of his*  
Majesties Honourable  
*Priny Councell.*



Here haue bene ma-  
nie excellent men in  
our Church, Right  
Honourable, that  
haue written excee-  
ding well against the  
common, but crying  
sinne of Usurie, a-  
mong other (whom for Honors sake I name)  
the Reuerend Prælate *L. Iewel*, L. Bishop of  
*Sarum*; the most accomplisht Diuine, D.  
*Humfrie*, publike Reader of *Oxford*; and the  
sage Counsellour and wise States-man, D.

# THE EPISTLE

*Wilson*, Secretarie to our Queene *Elizabeth* of æternall memorie. All whose learned discourses, sound reasons, impregnable arguments, godly admonitions, and seuerer cōminations, little prevailing with the deafe Usurers; for that the same are over grown <sup>a</sup> and choked in their thornie hearts with the deceitfulnesse of riches; that they could not yeeld their due and wished fruite: it hath seemed good to some other since them, to deale with Usurie by course of Law and iudicarie proceeding. Whereupon at *Oxford*, Usurie was <sup>b</sup> set upon and apprehended; at *London*; <sup>c</sup> examined; <sup>d</sup> arraigned, and convicted at *S. Edmondsburie*: and lastly at *Cambridge*, executed and put to <sup>e</sup> death, and yet notwithstanding all this, Usurie is as rife in this land, and as commonly and cruelly practized, as euer, I thinke, in any age before: as Iewishly, as when the Iewes were heere in their prime: as unmercifully, as when the cursed *Caorsini*, the Popes factors, by his holie countenance, were here in their pride. Which thing, (as I conceiued) could not otherwise be, after Usuries death, but that his ghost

<sup>a</sup> Math. 13.

<sup>b</sup> Potions concerning Usury by *G. Powell*.  
<sup>c</sup> Examination of Usurie by *M. Smith*.

<sup>d</sup> Arraignmēt and conuiction of Usury by *M. Maffe*.

<sup>e</sup> The death of Usury, printed at Cambridge.

# DEDICATORY.

ghost or spright did walke. Wherefore taking my Bookes in hand, I thought good to conjure this spright: and therein haue gone so farre (as your L. may see in this short discourse) that I haue made the spright to speak, and to tell both his name and nature, who called him vp, and what makes him walke. But to bind the spright, or to laie him, *Hic labor, hoc opus est*: not unwoorthy the labour of great *Hercules*, that could binde the three-headed *Cerberus*, & shoot thorow the fell eagle which fed vpon *Prometheus* bowels; or the cunning of the great Miracle-maker and diuel-driuer, *Gregorius Thaumaturgus*, which could write the diuel himselfe a passport, and send him packing, whence and whither he pleased. Indeed, I finde and confesse, that it passeth my cunning and power, without the aid of some greater skill and abilitie. Wherefore, right Honorable, seeing Almighty God hath blessed you with great aduancementes both of dignitie and honor, and also of autoritie and power in this common-wealth; and that by your great office of high Treasurer, you haue many employments.

*Gregorius Sattanz. Ingeredere. Niss. meus vi-ta. Cas. Bar. annal. tom. 2. Anno. 253. no. 137.*

*Arist. Eth. lib.  
4. c. 3. Idem.  
Polit. l. 1. c. 7.*

ments and daily experience in the vertue,  
*ἡ δὲ τοῦ χρηματῆ* ( as *Aristotle* termes it ) whereof  
 Usurie is a deadlyemie : I make bolde to  
 craue your Honorable helpe heerein, that  
 you use the meanes of the great fauor, which  
 God hath giuen you in the cies of our grati-  
 ous King, of your high place and authoritie  
 in the State, and of that estimation, which  
 the whole land hath of your wisdom, to  
 the suppressing of this horrible sinne, which  
 like a fretting canker eates up and consumes  
 manie notable members, and great portions  
 of this common-wealth : one part losing or  
 indaungering their goods and state, and the  
 other part their soules. As we haue had ma-  
 nifold experience of your wisdom in ma-  
 naging matters of great importance for the  
 common good of us all ; so if by your like  
 care and prudence, this canker may be cured;  
 undoubtedly the whole common-wealth wil  
 receiue an exceeding great benefite by you,  
 being freed from the burthen of Usurie,  
 whose nature is such, that it is compared by  
 the wise Philosopher <sup>8</sup> *Plutarke*, to *Vultures*  
 which gnaw the guttes out of a mans bel-  
 lie;

<sup>8</sup> *Pistarch. lib.  
de non facere  
raud.*

# DEDICATORY.

lie; *ἄπρεστος ὅσον διωκόμενος*, ὅς οὐκ ἀπαμύνητο ἑαυτοῦ, as *Homer*  
 saide: by the expert antiquarie <sup>h</sup> *Cælius Se-* <sup>h</sup> *Antiq. lect.*  
*cundus*, upon the experience of the poore <sup>l. 12. c. 24.</sup>  
 old forlorne debtor <sup>i</sup> in *Linie*, to a con- <sup>i</sup> *Lin. Dec. 1. l. 2.*  
 sumption, which is contagious and infecti-  
 ous, and which creepeth from the goods to  
 the body it selfe: by the excellent Ciuillian  
<sup>k</sup> *Baldus*, to the worme *Teredo*, which hand- <sup>k</sup> *Bald. conf.*  
 leth as soft as silke, but will bite thorow tim- <sup>440.</sup>  
 ber: by the autentique Canonist <sup>l</sup> *Gregorie* <sup>l</sup> *Sext. decret.*  
 the tenth, to a whirlpoole, because it swal-  
 loweth up wealth and soules; by the noble  
 and learned King<sup>m</sup> *Alfonfus*, to the *Harpyes*, <sup>m</sup> *Lycosth.*  
<sup>5</sup> which deuoured the needy *Troians* suste- <sup>apoph. rit. usu-</sup>  
<sup>ra.</sup>  
 nance; by the ancient father S.<sup>n</sup> *Chrysostome*, <sup>n</sup> *Chryst. in*  
<sup>6</sup> to the serpent *Aspis*, whose stinging casteth a <sup>Mash. 5.</sup>  
 man into a pleasant sleepe & so killeth him.  
 God who is rich in grace, and of infinit glo-  
 rie, increase his graces upon you in this life,  
 to the aduancement of his Church, and com-  
 fort of the common-wealth, & reward them  
 with eternall glory in the life to come, tho-  
 row Iesus Christ our Lord. *Bexhil March*  
*30. 1604.*

*Your Lordships humble at  
 commandement: TH. P I E.*

DEDICATORY

1911-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-

1. (a)  $\frac{1}{2}$  (b)  $\frac{1}{2}$  (c)  $\frac{1}{2}$  (d)  $\frac{1}{2}$  (e)  $\frac{1}{2}$  (f)  $\frac{1}{2}$  (g)  $\frac{1}{2}$  (h)  $\frac{1}{2}$  (i)  $\frac{1}{2}$  (j)  $\frac{1}{2}$  (k)  $\frac{1}{2}$  (l)  $\frac{1}{2}$  (m)  $\frac{1}{2}$  (n)  $\frac{1}{2}$  (o)  $\frac{1}{2}$  (p)  $\frac{1}{2}$  (q)  $\frac{1}{2}$  (r)  $\frac{1}{2}$  (s)  $\frac{1}{2}$  (t)  $\frac{1}{2}$  (u)  $\frac{1}{2}$  (v)  $\frac{1}{2}$  (w)  $\frac{1}{2}$  (x)  $\frac{1}{2}$  (y)  $\frac{1}{2}$  (z)  $\frac{1}{2}$

1900

... ..

which denoted the early Roman period.

... ..

... ..

1870

...and the ...

29 JUL 1964



A  
SCHOLASTICALL  
determination of Usurie, up-  
*on the disputing of that que-*  
*stion by certeine learned*  
Diuines.

*The Preamble to the Disputants.*



S you haue learnedlie  
disputed this question  
of Usurie, & debated it  
*pro & con*, for the cleer-  
ing of the Trueth; so  
now let mee, lighting  
my candle at the fire  
stricken out of these  
flints, make an end of  
this Conference, drawing my speech to three  
heads, in the first whereof I will shew what usurie  
is; in the second, prove it to be unlawfull; in the  
third, answer the arguments which are urged for  
the lawfulnessse of it.

I *What Usurie is, will best appeare by the Notation of  
the name, by the definition, and by the diuision.*

B

I The



# Usuries Spright conjured.

## 1 The Notation of the name.

<sup>a</sup> Non Marcel.

de prop. ferm.

Si pon. in epig. 1.

<sup>b</sup> Plant. in

Amphyl.

<sup>c</sup> Cui. pro Sylla.

<sup>d</sup> Quod princ-

pals mutuo acce-

dit. Si pon. in

Plin. ep.

<sup>e</sup> Arist. pol. l. 1.

c. 7.

<sup>f</sup> δαεισμὸς

συμβαλλει τὰ

χρηματα. Pla-

to de leg. l. 1.

ὁδε πικρὸς τὸ

νομισμα ποι

εισλεον, οθεν

καὶ τὸνομα

τοῦτ' εἰληφεν :

ὁμοια γαρ τὰ

πικτόμενα τοῖς

γεννώσιν ἀγα

εσιν. Arist. ibid.

<sup>h</sup> Quasi factus,

quia factus est,

pecunia Varro

l. 3. de Lat. ser.

Pomp. sist. de

prop. l. 6.

<sup>i</sup> Basil. hom.

adu. usur.

<sup>k</sup> Plutar. de

non sane.

καὶ πικρὸν ὁμοῦ

ἢ τρέφειν, καὶ

ἀποκυνίσκειν.

ὁμοδὸς καὶ δα-

νείζεται, καὶ

γεννᾷται, καὶ

ἀποκύνεται.

**U**surie hath his name of *Usura* in Latine; but there is this difference betweene them, That *Usura* in Latine is taken according to his proper and generall signification sometime for the same that the masculine <sup>a</sup> *usus* is; as <sup>b</sup> *usuramque ejus corporis caput sibi* : hee rooke the use of her bodie. <sup>c</sup> *Luci ne hanc usuram eripere vis?* wilt thou take away this use of the light? sometime metonymically it signifieth the same which *fanus* in Latin doth, that is, <sup>d</sup> what-focuer is taken for a Principall lent. But usurie in English is taken onely in this latter signification; and it importeth sometime the action, which the Latines call *Feneratio*, the Greekes <sup>e</sup> *τοιμισμός* and sometime *δαεισμός*. as, <sup>f</sup> *he gathereth riches by usurie*. Sometime the effect or thing which commeth by that action, which the Greekes call <sup>g</sup> *τοκός*, the Latines <sup>h</sup> *fanus*, both termed of bearing or bringing fourth; because it is the fruite, which the principall in his kind ingendereth or bringeth forth (whereof <sup>i</sup> *Basil* speaketh thus: *they say that hares at one time together do* <sup>k</sup> *litter, giue sucke, and are with young* : So to the usurer money at one time is <sup>l</sup> *put to usury*. & borne and breeding) as when we say: *he payeth usurie* : <sup>m</sup> *I will giue thee nine oboles usurie for a pound*. This we call also by the generall word, *the use* : but most properly *the lone*. This thing in Hebrue is called *הרביח* *tarbith*, that is, increase and multiplication, because the principall increaseth it selfe and bringeth forth more in his kind: which commeth of *רבה*

<sup>n</sup> *Aslan. l. 3. οἰκωσι ἔνθα σβόλους τῆς μνᾶς τόκους.*

to



## Usuries Spright conjured.

to multiplie, increase, or to be more in his kind; as the commaundement of Generation "increase and" Gen. 1. 22. 8. 17.  
*multiplie* doth shew, and of the same the Chaldean Paraphrast calleth it רביתה *ribbitha*. So that the reason of the etymologic in the Latin *fanu*, the Greeke τωις, the Chaldæan *ribbitha*, and the Hebrue *tarbith* is all one. And the Latin, Greeke, and Chaldæan, haue to those their nownes *verba* συζυγῶν *seu conjugata*, verbes of the like signification signify in the action, namely, *fanerare*, φαίνειν, רבב in Puhel, to lend to usurie: the passiues of the Latin & ° Greeke become Deponentes, and are attributed to the taker upon usurie, signifying to borrow Especially δανειζομαι: which yet Basil attributeth to the money also.  
upon usurie: but the passiue of the Chaldæan is attributed to the thing which is at usurie, signifying to be lent to usurie. But the Hebrues haue no verbe *conjugatum* to their nowne *tarbith*, to signifie that action, marry, they haue another name for usurie, and for the increase comming for a thing lent, that is, נשך *neshech*: and to that they haue *verbum* συζυγῶν and *conjugatum*. For the verbe נשך in Hebrue is διμνημον, signifying two severall and distinct things, or rather there are two severall and distinct verbes written with those same letters, yet differing one from another *genere* in kind: for in the conjugation *Cal* one *Nashach* is an Active by kind, and by his syntaxis a <sup>p</sup>transitiue perfect, requiring an accusatiue case of the sufferer, and this signifieth to bite. The other *Nashach* in the same conjugation *Cal*, is a <sup>q</sup>Newter absolute, and that is spoken <sup>r</sup>de *refæneraticia*; of the thing which is p μεταβαττων καὶ ἐκ πομπῶν. Theod. Gaz. l. 4. q ἀπὸ λευμῶν. ibid. r Deut. 23. 19.

## Usuries Spright conjured.

<sup>1</sup> In usuram datur, Tremel.  
<sup>2</sup> Genus datur, Pautab.  
<sup>3</sup> ὅτι αἱ ἐν δανείστοις, which thou shalt lend, Sept. Yet Castell: faith faneratur: and Basil would haue said ὅτι ἐν δανείστοις, taking those Deponents Passiuely, as the Chaldean doth utter it.  
<sup>4</sup> Θεμελιώδης, Theod. Gaza. l. 4.  
<sup>5</sup> S. fiscalibus, l. in fraudem, S. de iure fisci, Aquin. 2. 2. q. 78.  
Bernard, de cura rei famil.  
Melanchth, de fin. Theolog.  
ὁ δανείσκειται, ὅτι τοῦ δανείσκειται, Plutarch.  
<sup>6</sup> Exod. 22. 27.

at usury : which we for want of a proper word must circumlocute; as the <sup>1</sup> Latin & <sup>2</sup> Greek Interpreters do, as thus; *which goeth to usurie: or is giuen, put, or lent to usurie.* Of which latter *Nashach* there is made an Actiue in the conjugation *Hiphil* which by his *Syntaxis* is an <sup>3</sup> Acquisitive, requiring a Dative case of the sufferer, and an Accusative case of the thing, wherein the action lyeth; (which kind of cōpound *Syntaxis* the <sup>4</sup> Grammarians call *σύνθετον*) and it is signifieth onely *πείζειν, fanerare*, to usurie a thing to one: or to lend one a thing to usurie, and so likewise, the Noun *ἑσέκεχ*, which is *Conjugatum* to it, signifieth onely Usurie.

### 2 The Definition.

The action is thus defined: VSVRIE IS LENDING WITH GAIN FOR IT. The effect thus:  
<sup>2</sup> VSVRIE IS GAIN FOR LENDING ANIE THING.

### The Declaration of the Definition.

The *Genus* in the former Definition is LENDING: which *Moses* expresseth thus בַּחֲלוֹה, <sup>2</sup> *when thou lendest.* In respect of the party, which taketh it to use, and payeth for the use it is *borrowing*: which the Hebrues expresse with the same verbe, but in another Conjugation, namely *Cal*, as the former was in *Hiphil*: as in Greeke the lender is *δανείσκειν*, and the borrower *δανείσκειτο*. Of this Genus the principall (as we call it, like as the Greekes call it *τὸ ὀρράσιον*, and *πέριφάλαρον*, and as the Latines *Principale Mutuum*, and in one word *Caput* and *Sors*) hath his name in Hebrue חֲלוּאָה *Halloah*. Now lending

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lending I call that, which the Latines call *Mutatio*, *mutuall*, and the Greekes *δανεισμός* and *δανεισμός* in their proper signification (for sometime *δανεισμός* hath *ἐν τόκῳ*, for *usurie*, omitted, and yet is used for lending upon usury) which also the Hebrue *תַּלְבִּית* signifieth : and not that which the Latines call *Commodatio* *Commodating* : which we also through the penurie of our language, term *lending*. And yet they may well haue one common name, because they concurre in one common qualitie, whereby they differ from all other kindes of Contractes, viz. that in them the same thing, that is transferred and passed to another, is to be restored againe, but freely, as the Lawyers say : <sup>b</sup> *There are* <sup>Caus. 13. q.</sup> *two contractes, whose nature is to be free, Mutuall* <sup>3. s. Quod autem in gloss.</sup> *and Commodating.* So then these

two differ	from those contracts, in which the thing transferred away is not to be restored againe, whether it were transferred away	freely ; as giuing.	1	a price ; as buying and selling.
			2	some other thing, differing in kind or goodnesse ; as exchanging.
			3	a fee ; as Emphyteusis, or fee-farming.
			4	a moitie of an vncerteine remainder at a time ; as societie : for in societie the venturer doth passe away the sole property of the principall or stock ; So that nothing remaine, nothing is to be restored ; if any thing remaine, euery partner is to haue his share.
			5	some other gift &c. as <i>contractus in nominati.</i>

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from those contractes, in which the same thing is to be restored againe, but the use was passed away for consideration either of hire; as letting of chattels. rent; as setting and farming out of land.

<sup>c</sup> § Commod.

one from another, because the same thing which is transferred and deliue- red away, is to be re- stored a- gaine ei- ther in *Individuo*; and that is <sup>c</sup> commodating, because the propertie of the thing was never passed away, but only the use of it: as I lend you my horse to ride, to draw &c. but you must restore the same horse againe. This comodating if it be not free, but any thing taken for the use, is turned in- to letting and hiring; and <sup>a</sup> there the user stands to the hazzard, <sup>c</sup> heere the owner.

<sup>d</sup> Exod 22.

<sup>e</sup> L. 2. § si certo  
petat.

*Specie*, onelie; and that is mutuating, because the propertie of the thing

(*individiui*) was cleane alienated to the borrower, that he might spend it by consuming of it, or alie- nating of it at his pleasure: otherwise there could not haue beene that use of it, which that kinde of contract requireth, which is to be spent; and there- fore the same thing in *individo* can not be restored againe being spent: but onely the same in *specie* or quantitie, be it by number, waight, or measure.

<sup>f</sup> L. 2. § Appel-  
lata. ff. de reb.  
era. Glauvil. l.  
10. c. 3.

<sup>f</sup> For things onely which passe from man to man, by number, waight and measure, may be mutua- ted: and they are mutuited, when they be deliue- red to another to be spent, upon couenant to haue restored so much againe in *eadem specie*, otherwise if those verie things be lent to any use or end, so that the borrower spend them not, but restore the same

## Usuries Spright conjured.

same peeces againe; it is commodating, not mutu-  
ating: as if I lend you ten faire Soueraignes to carie  
in your purse for a shew, or to decoct them in a  
medicine for Physicke, it is commodating; for  
which use if I take any thing, it is letting and hi-  
ring: but if I lend you the same ten Soueraignes to  
spend or lay out, it is mutuating, for which use,  
if I take any thing, it is usurie. So this *genus* doth  
exclude from usurie all other contracts, saue this  
kind of lending, which in Latine is termed *Mutu-*  
*atio*; and all gaine or profit arising from any of  
these other contracts.

### The Differentia.

The *Differentia* in this Definition is **G A I N E**,  
*Lucrum, id est, si amplius, quam ut exolveris, quanti* *Varro de ling.*  
*esser captum: that is more, than to defray so much, as it* *Lat. l. 4.*  
*began for, or, quicquid illud est, si ab eo quod dederint,* *Hier. in E-*  
*plus acceperint, what soeuer it be, if ouer that they de-* *zech. 18.*  
*liuered they receiue more, whether it be in money,* *Incrementum*  
*or money woorth: which may serue to increase* *pecunia vel po-*  
*our substance, wealth, or state.* *cunia mensura-*  
*bile. Eiel in sent.*  
*l. 4. d. 15. q.*

This Definition doth exclude from Usurie these  
cases.

1. The demanding, recouering, and receiue-  
ing of the principall, for that is not *lucrum* gaine,  
increase, or more than I laid out, and the not pay-  
ing of it is accounted sinne in holy Scripture.  
*Psal. 37. 21. therefore Helizaeus did helpe the widow*  
*to pay it with a miracle.* *4. c. 1. χρηματα*  
*λεγον εν πάλυ-*  
*τα, ὅταν η̄ ᾱξία*  
*νομίσματος κᾱ*  
*επρετα.*  
*1. Prou. 28. 8.*  
*מרבח*  
*הנכר*  
*2. Reg. 4. 2.*

2. Expences about the paying, recouering, or  
receauing of the principall, as for carying or fetch-  
ing

## Usuries Spright conjured.

ing the money, making of assurance, costes, and charges of sute. <sup>1</sup> For it is not gaine *unlesse the charges be deducted*, and likewise charges about the thing pawned or morgaged for assurance of the principal, for <sup>m</sup> that *which the Creditor layeth out for or about the thing assured increaseth the debt.*

3 Consideration for the perill and daunger of hazzard for exchaunging money from place to place, as you would borrow for a time 100. pound of one in London, and give him 10. pound to transport it to *Rome*, and to abide the hazzard.

# 4 Interest: for that is not for the lending, but for lawfull and due satisfaction, neither is it gaine.

<sup>n</sup> Interest is a debt, which he oweth to the law of nature, who hath beene to another effectuall cause of damage, or hinderer of his lawfull gaine, the lawfulnessse whereof is grounded upon the law of nature, *that no man be enriched by anothers hinderance*: and the <sup>o</sup> Law of God, which provideth,

that the lender be saved harmelesse from contingent damages: and the rule of the Apostle; <sup>p</sup> *not that other men should be eased and you grieved.* This

Interest comming two<sup>q</sup> waies; <sup>r</sup> either *ex damno emergente*, by *losse arising*: as when by missing my money at my day till which I lent it, I am damified by forfeiting a lease, or a band, or a bargain, &c. or *ex lucro cessante*, by *gaine ceasing*; as when by missing my money at my day, I am hindered of buying at the best hand, provision for my house, wares for my trade, stocke for my land, &c. Here the Cannonistes and Schoolemen require that the

<sup>1</sup> L. Mutui. ff. pro socio in gloss.

<sup>m</sup> Bald. ad Leg. 6. de pign. & hypoth.

<sup>n</sup> Melancthon. Theolog.

<sup>o</sup> Exod. 22. 14.

<sup>p</sup> 2. Cor. 8. 13. reduced ad hunc.

<sup>q</sup> Ant. de But. inc. Salubriter. de usuris.

<sup>r</sup> Aquin. 2. 2.

<sup>s</sup> 9. 78 art. 2. in

<sup>t</sup> sp. ad. 1. extr.

de side juss.

<sup>u</sup> Perrenis. &

<sup>v</sup> 1. Constituas.

## Usuries Spright conjured.

the money be detayned after the day <sup>against</sup> the lenders will. For if he lend it upon allowance for the gaine, that he is like to forgoe, it is usurie. Secondly, that the gaine hindred were <sup>in esse</sup>, or as good as <sup>in esse</sup>, the lender being in a good way to haue it, nothing wanting but that.

<sup>1</sup> Innoc. ext. de  
usuri c. finali  
Iohan. Cald.  
ibidem Iohan.  
An. ibidem.  
<sup>2</sup> In actu aut  
quasi in act.  
Aquin. 2. 2.

5 "Redeeming my owne hinderance, for there I haue no gaine or increase, but only saue my own, which may goe with the Principall. As I haue bargained with a Carpenter to build me a house for 10. pounds, which I haue paid him all or part *pro manibus*: now he will not finish the worke vnlesse I lend him 5. pounds more for a yeere: So I lend him 5. pounds upon this covenaut, that he finish his worke by his time. Here is a consideration, without which I would not have lent it him: but it is not gaine, nor more than my owne. Or I lend a Magistrate money not to put me to a fine, which is in his choice to doe or not to doe.

<sup>3</sup> 62.  
<sup>4</sup> Extr. de Si-  
monia c. Di-  
lectus.

<sup>5</sup> Now much is done  
but so much is  
done by sea

6 The taking of a Penaltie for non payment at a time couenanted: for that is not for the mutu-ating or lending, but for a default made in breaking of covenant. For it is lawfull to take assurance for a mans owne, and to be saued harmelesse, as well in mutuating as in other contractes, and that not onely by pawne, pledge, suertie, &c. but also by penaltie of forfeiting something for default: as for non payment of rent, to forfeit the lease, or to double the rent, or to pay ten pounds *nomine pænæ*: so to forfeit ten shillings for not restoring my hired or borrowed horse such a day: or I sell you my horse

<sup>6</sup> Prou. 20. 16.  
Deut. 24. 10.



# 10 Usuries Spright conjured.

for ten pounds to be payd at Midsummer. vpon pen-  
 alty, that if you deceiue me, you forfeit 10 pounds  
 more. The reason and ground of the equitie of  
 Penalties is, <sup>1</sup> *Quia interest Reipublica pacta seruari*,  
*It standes the Common-wealth upon to haue Cove-*  
*nants kept.* For as <sup>2</sup> *Tullie* said truly; *Nec vlla*  
*res vehementius rempublicam conseruat, quàm fides:*  
*There is not any thing that holdeth the Common-*  
*wealth together more strongly then faith in kee-*  
*ping promises and covenants,* <sup>\*</sup> *cum qua omnis hu-*  
*mana societas tollitur: together with the which all*  
*humane societie is overthrowen:* and therefore the  
 breaking and violating thereof, must needs bee a  
 great offence, woorthy to be punished with due  
 penaltie. Now there may be great oppression in  
 this, as in other contractes; as I take 100. pounds  
 fine for a lease of 21. yeeres, reseruing ten pounds  
 rent, upon a covenant of reentrie. In the first pay-  
 ment the Lessee defaulteth; I reenter: as this is  
 hard dealing, and *summa injuria*, arising from the  
 extremitie of *summum ius*: so is it, if the lender take  
 the forfeiture, being nothing damnified by the  
 default; but it is not direct Usurie. Therefore these  
 Penalties must be squared, by the same rule of cha-  
 rity, by which all other contracts ought to be: as,  
<sup>b</sup> *As you would that men should doe to you; so doe ye to*  
*them likewise:* and, <sup>c</sup> *That no man oppresse or defraud*  
*his brother in any master.* And the <sup>d</sup> *Civill law* cari-  
 eth a heauie hand against the taking of a penaltie  
 for non payment of money lent at the day, and  
 condemneth it, as favouring of Usurie, and <sup>e</sup> *see-*  
*ming*

<sup>1</sup> Innoc. extra.

de penis c.

suam.

<sup>2</sup> Cic. off. lib. 2.

<sup>\*</sup> Liu. der. 1. 1. 6.

<sup>b</sup> Luk. 6. 31.

<sup>c</sup> 1. Thef. 4. 6.

<sup>d</sup> C. l. 4. tit. 32.

de usuris. L. 15.

cum allegas.

<sup>e</sup> Bald. ibid.



# Usuries Spright conjured.

II

ming to be put into the contract for the usurie: and,  
therefore so much as it exceedeth the lawfull rate it <sup>Salycet. ibid.</sup> holdeth not.

## 3 The diuision of Usurie.

compacted by both parties, that is the <sup>f</sup> Usurer and the <sup>s</sup> user agreeing upō some certain gain.

Which kinde the holy Ghost expresseth thus:

הָאֵל בּוֹשֵׁךְ וּבֹחֲבִיבִית

<sup>h</sup> to giue upon usurie and lone. Which supposeth

a contract of the giuer and taker; and this compact is either

Bare upon the users <sup>f</sup> Usurarius, <sup>s</sup> Usurarius, own promise.

Secured upon assurance of bill, bonde, suretie, pawne, &c.

<sup>h</sup> Levit. 25. 37.

Exacted by the Usurer after the lending, and this untill the time it be exacted, is vncertaine: for the usurer requireth what he list, and the user at his requiring, or for feare of farther displeasure, doth yeeld it: as the necessitie of them which want maketh them to undergoe manie things readily, which are indeed against their wils. This kinde is saide <sup>לֵוִי</sup> <sup>h</sup> to impose, or to put upon.

<sup>i</sup> תִּי עֹבְדֵי מִלְכָּם  
<sup>h</sup> תִּי מִלְכָּם  
<sup>h</sup> Basil. h. m. adu. usur.

<sup>h</sup> Exod. 22. 25.

Offred by the user voluntarily of his meere motion: either hoping the rather to borrow againe, or doubting lest otherwise the lender will

This gaine or increase is take for the lending either

directly, which is plaine usurie, and here the gaine is either

## Usuries Spright conjured.

▪ Levit. 25. 36.

not take it well; or upon some other ground: but it is principally for the lending of that thing, and otherwise it had not beene offered. This some terme *sanus liberale*: the holie Ghost calleth it קָחַרַת וְשָׂךְ וְתַרְבִּית <sup>m</sup> *to receive usurie and lone*. Yet for the benefit of mutuating or lending, and the commoditie obtained by it, it is lawfull for a man to shew himselfe gratefull, & *reddere antidora*: but yet in the slender difference betweene usurie and gratitude, men need to be carefull and curious, as going betweene the barke and the tree, lest their conscience before God bee defiled thereby.

▪ Eras. in Psal.  
14.

Indirectly, which is cloaked usurie; our law termeth it shifts of sale & chevilance: for the gain in outward shew is made seene to be taken for some lawfull contract; which contract is made the cloake to hide the usurie. These cloakes and shifts are<sup>n</sup> infinite: for usurie is cloaked almost under every lawfull contract, the gaine seeming to be gotten by them, whereas indeed it is giuen for the very lending. I will shew examples of these contracts, which are most abused heereto. usurie is cloaked sometime under  
1 Selling

## *Usuries Spright conjured.*

1 Selling; as I will lend you 100. pounds for a yeere, if you will give me for this horse 12. pounds being worth 2. pounds: so the 10. pounds seemeth to be given for the price of the horse; but it is for the use of the money.

2 Setting to farme; as I will lend you an hundred pounds a yere, but you must let me that farme for two pounds, being worth well twelue pounds, or giue mee twelue pounds for this farme, being worth but two pounds.

3 Hiring out; as I let you haue three pounds to buy a Cow, paying me at the yeeres end, three pounds for the Cow, and a noble for the hire. Or I let you a Farme, with a stocke of twentie kine upon it, prized at an hundred marks for seuen yeeres, to pay the rent of the Farme, and twentie nobles a yeere for the hire of my Kine, and at the end of the yeeres to deliver me twentie as good Kine, or an hundred markes in money.

4 Free mutuating; as I haue not an hundred pounds in coyne to lend you, but I will lend you an hundred pounds in wares for a yere, and deliver you wares not worth ninetie pounds, and perhaps deliver a Broker ninetie pounds to giue you, & receiue my wares againe. Or, I lend you an hundred pounds in such coyne as I haue, and deliver you light gold, not worth ninetie pounds.

5 Exchanging; as I lend you an 100. pounds in silver a moneth, so that you repay mee in soueraignes, supposing them to be worth ten shillings and sixe pence.

*Home Usurie is cloaked under exchange*

# 14 Usuries Spright conjured.

change by billes, see notably discovered at large by Doct. Wilson. fol. 116. &c.

<sup>a</sup> Aquin. 2. 3.  
9. 786.

<sup>b</sup> L. Preposita.  
ff. pro socio.

<sup>c</sup> Bald ff. pro  
socio. L. Mutatis  
13. q. 3. si se  
neraverit, &c.  
plurique.

<sup>d</sup> Aug. de Per  
tract. de socie  
tate.

<sup>e</sup> Monald. in  
sum.

<sup>f</sup> Bald. L. Uti  
ca.

6 Societie; <sup>a</sup> In which as one may put in mo-  
ney or stocke to make a Principall, and another in-  
dustrie; so these three must be common, the Prin-  
cipall, the gaines, the losse; and the remainder to  
be divided according to every ones moitie in the  
Principall, <sup>b</sup> *ex arbitrio boni viri*. Here if I deliver  
money or stocke to have part of the gaines, <sup>c</sup> so  
that the Principall be saued me: <sup>d</sup> or venturing but  
equally take two parts of the gaine; or put out cat-  
tell, <sup>e</sup> covenanting to have as much as my Princi-  
pall was worth, before division, &c. it is usurie.

7 *Nomine pæna*; as one giueth me an hundreth  
pounds to be payd by another, providing that eve-  
ry yere it be detained, I be <sup>\*</sup> paid ten pounds. Or,  
I lend an hundreth pound upon a bonde of two  
hundreth pounds, the bond is forfeited, I take ten  
pounds *nomine pæna*, & renue his bond, being no-  
thing damaged, or not so much, by his non pay-  
ment.

8 Interest; when I take gaine under pretence  
of losse sustained by missing my money at my day;  
having indeed sustained none, and perhaps let him  
keepe the Principall still. Therefore it is good advise  
which one giueth, that the damage be cessed by the ma-  
gistrates, to auoid both the cunning & colour of usurie.

9 <sup>\*</sup> Pawne; as I lend money upon a pawne,  
and make profit or commoditie by the pawne.

10 Mortgage; as you bind your land woorth  
ten pounds a yere to me for lending you an hun-

dreth

<sup>\*</sup> Col. 6. q. 3. de  
his quæ pæna  
nomine.

<sup>a</sup> Prov. Lindw.  
l. 3. de vigori-  
bus. c. unico.  
Extra. de pign.  
c. illo vos

Extra. de usur. c.  
1. 2. & ult.

13. q. 3. c. con-  
quest.

dreth pounds. In this case and the former, oftentimes there is a plaine sale made of the thing, with a *Proviso retrovendendi*, that the seller may redeeme it againe, which is a lawfull contract: as appeareth *Levit. 25*. But here if there be more to be repaid, then was laid downe for it, <sup>b</sup> it is usurie. As I mortgage land, or pawne plate to you for an hundreth pounds, with a bill of sale, providing that within a yeere, I may redeeme it for an 110. pounds, or if the borrower retaine libertie to himselfe to demand his money againe. And though the same price be to be repaid, yet if the seller stand charged with it, it is usurie, <sup>c</sup> because it is against the nature of selling. Moreouer the opinion of <sup>d</sup> many Lawyers is, that if there concurre with the covenant *retrovendendi* another conjecture or presumption, it is usurie: as, if the price be under the value, or the buyer a knowen Usurer, or hath sold his owne land as commodious as that, to make this contract, or it appeare, that the seller had no intent of selling. But the <sup>e</sup> common opinion is, that although *in foro conscientia* two of these presumptions be sufficient, to make a usurer; yet *in foro litigioso* three must concurre to condemne him. In the Leviticall law, <sup>f</sup> whensoever the seller would redeeme his inheritance (<sup>h</sup> vnlesse it were a house in a Citie) he might, and account the fruits, from the sale till the redeeming, in part of payment. But that was in respect of the Iubilie, when the seller was to haue his land againe <sup>i</sup> freely: and the neerer that was, the lesse worth was his land.

<sup>b</sup> Monald. in summ.  
<sup>c</sup> ff. de periculo & con. rei vend. l. id. quod.  
<sup>d</sup> Host. in c. Ad nostram de empt. & vendit. Ext. de pignor. c. Illo voi. Panorm. conf. 76.  
<sup>e</sup> Ioh. d. Imo. in c. ad nostram de empt. & vendit. Et multi alij.  
<sup>f</sup> Ang. l. 2. c. de pac. inter emp. & vend. Monal. in summ. ma. Alexan. de Hales p. 3. de prac. 7.  
<sup>g</sup> Bald. in l. emp. tione C. plus valere. & in c. 1. de feodo dato in vic. leg. com. Paul de Castro inc. ad nostram. Et multi alij.  
<sup>h</sup> Levit. 25. 27.  
<sup>i</sup> 28.  
30.

## Usuries Spright conjured.

2 All Usury is unlawfull, and the taking of usurie is sinne; because it is against the law of God, of Nature, of the Church, of the Common-wealth.

1 **I**T is against the law of God, and his will revealed in his word: <sup>a</sup> When thou lendest money

<sup>a</sup> Exo. 22. 25.

to my people the poore with thee, thou shalt not be to them like a <sup>b</sup> Creditor: ye shall not impose usurie upon them. <sup>c</sup> If thy brother with thee goe downe, and his

<sup>b</sup> What manner

of Creditor. see

<sup>c</sup> Levit. 25. 35.

hand doe shake, thou shalt stay him: and let him live with thee a stranger and sojourner. Thou shalt not take

of him Usurie and lone, but feare thy God and let thy brother live with thee. Thy money thou shalt not give to

him upon usurie, nor upon increase shalt thou give thy foode: I am the Lord your God, which brought you out

of the land of Egypt, to give you the land of Canaan, to be to you God. <sup>d</sup> Thou shalt not usurie to thy brother,

<sup>d</sup> Deut. 23. 19.

usurie of money, usurie of food, usurie of any thing, which is lent to usurie. To an Alian thou shalt lend to usurie,

but to thy brother thou shalt not lend to usurie: that the Lord thy God may blesse thee, &c. <sup>e</sup> His money he

<sup>e</sup> Psal. 15. 5.

<sup>f</sup> Ezech. 18. 13

<sup>g</sup> 17.

hath not given upon usurie: <sup>f</sup> upon usurie hee giveth, and lone he taketh, shall he live? <sup>g</sup> Usurie and lone he

<sup>h</sup> Pro. 28. 8.

<sup>i</sup> Luke 6. 35.

doeth not take, he shall not die. <sup>h</sup> He that increaseth his substance by usurie and lone. <sup>i</sup> Lend, hoping for nothing

of them. In which places of Scripture, I would have you to note first the nature of the usurie forbidden out of these phrases: 1 That God forbid-

deth <sup>j</sup> לֹא תַעֲשֶׂה לְרֵעֲךָ כְּעֹשֶׂה לְךָ, to usurie, or to exercise usurie, which verbe importeth generally all practi-

zing of usurie, and taking gaine or consideration for lending. 2 לֹא תִשָּׁא לְרֵעֲךָ כֶּסֶף, to give upon usurie,

which

## Usuries Spright conjured. 17

which phrase is used in contractes, if the circumstances doe beare it, as <sup>k</sup> *Thou shalt not giue thy* <sup>1</sup> Deut. 7.3. *daughter to his sonne*: as here it may import a contract betweene the putter and the taker, the Usurer and the Ufer: for free giving is excluded by *Neshech*. 3 שום וישך עליך *to impose usurie upon*, which phrase the holy Ghost useth in things exacted of men against their willes, and imposed upon them, as burthens are: as, <sup>1</sup> *My father did put a* <sup>1</sup> 1. Reg. 12.4. *burthen upon you*. 4 קרת וישך *to receiue usurie*, which phrase is used also euen in those things which are voluntarie: and under the same forme of words, as a bribe or reward is said to be receiued, which is neither compacted nor exacted, but most freely offered, and yet prohibited and condemned, as in the same Chap. and verse of *Ezechiel*: <sup>m</sup> *They* <sup>n</sup> Ezech. 18.17 *receiue rewards in thee, they receiue usurie in thee*. Of <sup>22.12.</sup> this <sup>n</sup> *S. Ierome* speaketh: *Some for lending their mo-* <sup>18.</sup> *ney receiue presents or giftes*.

Secondly I would you note out of the same places the hainousnesse of the offence, which appeareth, because usurie is contrary to the feare of God, *Leuit.* 25.36. a forgetting of God, *Ezech.* 22.12. a sinne against the first Commandement, I am the Lord thy God which brought thee out of the land of Egypt, *Leuit.* 25.37. and therefore the usurer deprived of Gods temporall blessing, *Deut.* 23.10. made subiect to Gods temporall curse, *Prov.* 28.8. and to the Magistrates punishment, *Nehem.* 5.7. hated of God, in so much that he claps his hands at him, *Ezech.* 22.13. shut out from Gods tabernacle,

D

and



## 18 Usuries Spright conjured.

and from the rest upon his holy hill, *Psal. 15.1.* excluded from eternall life, and made subject to eternall death. *Ezech. 18.*

Now for the cloaking of usurie, it is so farre from lessening the offence, that it doth augment it: as *S. Augustine* said truly: ° *Simulata equitas, non est equitas, sed duplex iniquitas, quia & iniquitas est, & simulata. Dissembled equitie is no equitie, but double iniquitie; because it is both iniquitie and dissimulation.*

° *August. in Ps. 63.*

• *Luk. 16.*

For God who is, *ἰσχυρὸς καὶ σκόπιος* and knoweth the heart, can discern their usurie under their *μορμολύχην*, their painted visards, & goodly cloakes: who loueth simplicitie and plaine dealing, and hateth all hypocrisie and dissimulation: as *Ἱ Solomon* saith, *The ῥ subtil in heart are abomination to the Lord, but the simple in way are his delight.*

• *Pro. 11. 20.*

• *חשבוני* qui simulat & dissimulat, & specie recti fallunt.

2 It is against the law of Nature, as may appeere by these fīue considerations and arguments. First the Usurer receiueth two recompences or satisfactions for one thing; one of them being æquivalent (contrarie to that ῥ æqualitie which is the rule of humane societie) in that he requireth first restitution of his owne, that is, as much as hee deliuered: Secondly gaine for the use; whereas in mutuating (as before hath beene shewed) the thing and the use are but one, and cannot be seuered. For the ῥ using of it is the spending of the verie thing.

• *Arist. Pol. l. 1. Plato de leg. l. 6.*

• *Aquin. 2. 2. q. 78. art. 1. ad. 6. ff. Accomod. l. 1. § penult. & finali. l. 4.*

Secondly, the Usurer maketh gaine of that, which is none of his owne, but another mans. For the proprietie of the thing mutuited was transferred,



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red, and alienated, and passed away from the lender to the borrower: so that if the borrower paie any thing for the use of it, he paieth <sup>a</sup> for his owne, <sup>a</sup> *Scot. in sens.* and of his owne, which is plaine contrarie to <sup>b</sup> Justice distributiue, which yeeldeth everie one his <sup>b</sup> *Iu. l. 4. dist. 15.* owne. <sup>c</sup> *Lactant. de uero cultu. l. 6. c. 18.*

Thirdly the Usurer maketh <sup>e</sup> priuate gaine of that which is common, that is of time; contrarie to the rule of humane societie: <sup>d</sup> *Quod est commune omnium non erit particulare singulorum.* <sup>e</sup> *Scot. in sens. 4. dist. 3.*

Fourthly the Usurer maketh that <sup>e</sup> breed, gender, and increase, which by nature is barren and unapt to increase: <sup>f</sup> for in usurie money genders, gets, or brings foorth money; whereupon *Plutarke* saith, that the Usurer maketh something of nothing, mauger the head of the naturall Philosopher. <sup>g</sup> *χρῆμα ἐκ οὐκ ὄντος γίγνεται ὑπερβολῆς τοῦ χεῖρου* <sup>h</sup> *Aristoph. in Nub. d. Caus. 12. q. 2.*

Fifthly the Usurer perverteth that end and use of money, which is <sup>i</sup> agreeable to nature: namely commutation, <sup>j</sup> for commutation was the end wherefore money was ordeined in humane societie; and is the use of it, which naturall use the Usurer turneth into that which is against nature, <sup>k</sup> *παρὰ φύσιν*. Therefore it is called a kinde of <sup>l</sup> *τὸ νόμισμα νόμισμα τοῦ τέλει* <sup>m</sup> *ibidem.*

<sup>n</sup> Sodomie. From these grounds and principles proceeded those many both wise lawes, and woorthy speeches of thee Heathen, ledd onely by the starre-light of reason, and destitute of the light of Gods word, against usurie: which you may see at large in other. <sup>o</sup> *μεταβαλτικὴν* <sup>p</sup> *Arist. ibidem.*

3 It is against the lawes of the Church, which doth forbid usurie to the <sup>q</sup> Clergie under penaltie <sup>r</sup> *Sodomia natura. Hug. Card. in Ps. 15. 1. Con. Nic. c. 18. Con. Arelat. 2. c. 14. Con. Colon. p. 2. c. 31. Con. Laod. c. 15. Con. Carthag. 6. c. 17. Con. Tur. l. c. 13.*

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<sup>1</sup> Con. Eliber.

c. 20.

Con. Lat.

p. 1. c. 23.

Con. Inq. d. 1. c. 3

<sup>2</sup> Canones Sy-

modi London.

anno. 1584. c. 4.

of deprivation both of Communion and Benefice; and to the <sup>1</sup> Laitie under the penalties of excommunication, of disannulling their willes and testaments, of excluding them from Christian buriall, and many other. And the <sup>k</sup> law of our Church doth set and account usurie in the ranke and number of most hainous sinnes, as hæresie, schisme, incest, adulterie.

<sup>1</sup> Glanvil. l. 7.

c. 16.

4 Lastly it is against the temporall law of our owne common-wealth, both common and statute. The Common law doth punish usurie, by <sup>1</sup> confiscation of all the Usurers goods to the Kings use: and the statute law now in force, though it punish some kinde of usurie (*viz.* ten in the hundreth or under) somewhat lightly in comparison of that heinousnesse of the sinne which the statute doth acknowledge in that usurie: yet it doth plainly affirme, <sup>m</sup> *that all usurie is forbidden by the law of God, and is sinne and detestable.* Which determination of that high Court ought to be prohibition enough to everie true subject under the same government, to avoid it.

<sup>m</sup> Eliz. 13. c. 8.

### 3 The objections and answers.

**I**N steed of the objections against this trueth urged heere, I will take in hand the booke, which is written of purpose in the defence of usurie, as the author plainly <sup>n</sup> professeth; by the confutation whereof, the arguments also urged in this conference will receiue their satisfaction. In this booke first there are five questions propounded, and answered by M. C. whereof the first is.

<sup>n</sup> In his answer to  
Prov. 28. 8.

Whether

Whether the commandment of God giuen to forbid *M. C.*  
usurie to the Iewes. Exod. 22. Levit. 25. Deut. 23.  
be generall and perpetuall, or not. The answer is.  
The commaundement of not biting, or oppressing with  
usurie is generall and perpetuall; albeit it were permitted  
to the Iewes because of the hardnesse of their hearts,  
that they might oppresse the nations with usurie, which  
before the comming of Christ were foreners from the  
kingdome of God: which yet is no more permitted vnto  
Christians, than for every light cause to put away their  
Wives: And even this permission for a time prooventh  
that the law, whereof the question is moved is perpetuall.  
For the Iewes being so hard harted as diuers unlawfull  
things were faine to be permitted them, there  
is no likelihood, that the Lord would have laid this commaundement  
vpon them, nempe, that they should not  
take usurie of their bretheren, unlesse the law of God  
had necessarilie required the same.

First, the substance of this answer I allow, that *Answer.*  
those lawes are generall and perpetuall, notwithstanding  
the commaundement of taking usury of strangers, which  
commaundement I doe not take to be a permission of the nature  
of that, whereby a man did for a light cause put away his wife,  
as he maketh it. The difference I will not stand to shew,  
pertayning not to this question. The truth of this answer is  
better confirmed by other reasons; as that David reckoneth it  
among morall duties, or rather among breaches of the morall law,  
as <sup>a</sup> Slaunder, wrong-doing, perjurie, briberie, against  
the innocent; and <sup>b</sup> Ezechiel hedgeth it in betweene <sup>b</sup> Ezech. 22. 12

<sup>a</sup> Psal. 15. 5.  
ἐν πῶς ἠδικῶ  
τῶν ἁμαρτιῶν  
ἐκ τῆς καρδίας  
ἐκ τῆς βίβλου  
ἐκ τῆς ἡλικίας

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<sup>a</sup> *Ezech. 18. 12.* *briberie, and deceite, and* <sup>c</sup> *coupleth it with oppres-*  
<sup>13.</sup> *sing the poore, spoyling by violence, and Idolatrie, and*  
*therefore Ierome coupleth usurie with deceit and*  
*robberie, Usuras quærere, aut fraudare, aut rapere ni-*  
*hil interest, quia septimum præceptum hac omnia pro-*  
*bibet. And S. Ambrose: Siquis usuram accipit,*  
*furtum facit.* As for the precept for the Jewes to  
take usurie of <sup>d</sup> *aliantes*, that is, <sup>e</sup> *from the coue-*  
*nant of God, and the common-wealth of Israell;*  
<sup>f</sup> *will make no more for the lawfulnessse of usurie,*  
*than the commaundement for the Israelites to*  
<sup>g</sup> *rob the Ægyptians, or for Abraham to* <sup>h</sup> *kill his*  
*sonne, will make for the lawfulnessse of theft, or*  
*murder. Against the aliantes God commaunded*  
<sup>i</sup> *worse oppression to be used than usurie, and yet*  
*that is no reason to excuse oppression of other, or*  
*in other cases, from being a breach of the morall*  
*law.*

<sup>d</sup> נכריים  
Deut. 23. 20.

<sup>e</sup> ἀπὸ τοῦ κυρίου  
μὲν οἱ. Eph.  
2. 12.

<sup>f</sup> Exod. 11. 2.

<sup>g</sup> Gen. 22. 2.

<sup>h</sup> Am. lib. de  
Tobiac. 15.

Secondly, the interpretation which he maketh  
of these lawes by a distinction of *biting, and op-*  
*pressing*, as though there were kinds of usury, which  
were not *biting, and oppressing*, and therefore not  
forbidden; will appeare straight way to be frivo-  
lous. And so unnaturall and forced it is, that him-  
selfe forgetteth it in the end of his former wordes,  
when he doth expound those commaundements  
generally of *taking usurie of their brethren*; avouch-  
ing, *that the Law of God requireth necessarily that we*  
*should not take usurie.*

M. C. The second question. *If those lawes be generall*  
*and perpetuall, whether yet it may be lawfull in any rate,*  
or

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or sort to lend for gaine vnto such men as are rich, and wealthie, upon covenantes, and bonds to receive increase, or more then the principall; for that they are not poore, nor fallen in decay, neither doe borrow for neede, but to purchase, or to compasse great matters to increase their riches, and wealth: hereby? Answer. It is lawfull notwithstanding the law to lend to usurie, considering that the end of the law is love: Seeing therefore it is not against the love of thy neighbour so to lend as both the lender, and the borrower may in all good likelihood be profited; there can be nothing herein against love, if the affection be not worse then the action of lending, and borrowing in this kind. Yet such may be the lender, himselfe not being able to occupie his money in any lawfull trade; and such the borrower able well to traffique with the same, that not onely the persons lending, and borrowing with their families, but the common-wealth also shall be profited thereby, and hurt otherwise, if that the money of the lender be not employed, or the cunning and skill of the borrower lye idle, and dead.

In this second question, and answer note first *Answer.* that he putteth his case of plaine usurie, that is, to lend for gaine, and to receive increase, and more than the principall; and that compacted usurie too: upon covenant, and moreover strongly secured, upon bonds. Secondly, note his limitation of this usurie, both in respect of the person of the borrower, such men as are rich, and wealthie, not poore, and fallen in decay, and also in respect of the end, to purchase, or to compasse great matters withall, to increase their riches,

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*riches, and wealth thereby, nor for neede.* This neede is expresse in his answer to the third, and fourth questions which concerne borrowing upon usury (which I omit to set downe here, because they belong not to the question of lending upon usurie, neither will I stand with him therein) to be for his necessarie use of preservation of himselfe, and his familie, and for preservation of his estate, and inheritance, under which are containd as well occupiers, which live by their trades; as owners, which live by their rents; and farmers, which live by husbanding other mens landes: *Ergo*, by this limitation and restriction, and by confession of M.C. all lending upon usurie to the poore, that never attained competent wealth, though it be to purchase and compasse some matter to bring them out of povertie: or to the decayed, till they be out of decay, and have recovered their former estates; or to noblemen, gentlemen, and other rich men, which are in decaying, and in daunger to impaire, and diminish their estate and inheritance, or have not presently to preserve themselves, and their families answerable to their estate, without borrowing for a time, is forbidden by those lawes. And this is enough to breake the necke of usurie, and to condemne all the Usurers in England, I thinke. *nt.*

M.C. in his answer to the fourth question maketh a *quare*: whether he that is driven to borrow upon usurie to preserve his estate, and inheritance, were not better to borrow of a man of no sound religion, than of one that professeth the truth, although in all other traffique

## Usuries Spright conjured. 25

*traffique the law of God doth drawe us rather to deale with those which are of the household of faith, than with strangers. Which argueth, that he holdeth the lending to such a one to be sinne, at the least in the lender. So then M. C. resolution is, that it is lawfull to take usurie onely of the rich, and wealthie, and that of them too onely then, when they borrow to purchase, or to compasse some great matter, to increase their riches, and wealth. Now this thing which is lawfull in the lender, is unlawfull in the borrower, as M. C. avoucheth in his answer to the fourth question in these wordes. Every man may not borrow lawfully, much lesse of usurie: For albeit it be no sinne to borrow, yet it is a punishment for sinne; and a correction which God layeth upon his children when they be driven to borrow, &c. Wherefore it being a curse of the Law, and a matter wherein every one of the children of God should be humbled, it is also cleare that a man ought not for light causes to throwe downe himselfe into this curse, as for example, to increase his estate, being able otherwise to maintaine himselfe honestly, &c. Whereby it appeareth, that the lender to usurie in this case, must needes be helping, and accessarie to the borrowers offence, and a cause of an unlawfull thing, which himselfe might prevent, and remedie. Now let every Christian man judge, whether to lend to usurie, even in this case here propounded, be not a fearefull thing in this regard, that an other man is thereby brought under the curse of Gods law.*

Thirdly, let us waigh his reasons for the lawfulness



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ness of this one kinde of usurie. The first is : *It is not against love : Ergo, not against the law : for love is the end of the law.* This very reason is used by the wicked *Atheist*, that wrote the defence of Adulterie. *Whatsoever is of love, is neither against the law, nor disliked of God : but to lye with another mans wife begins of love, proceeds by love, and ends with love : Ergo, &c.* And he addeth the correction, or limitation which this Author here doth, *so that the affection be not worse than the action.* For some kinde of Adultery he condemneth, as this doth some kinde of usurie. If M. C. would answer this argument for Adulterie, he should easilie perceive the weaknesse of it for usurie. To lend indeed is an office of love, a worke of Christianitie, \* a commaundement of God : and to take usurie for the lending is of love too : but it is *the love of money*, *φιλαργυρία*, as *Paul* calleth it, and maketh it <sup>a</sup> *the roote of all evill* : as for *φιλαδελφία*, or *φιλαδελφία* neighbourly love, or brotherly love it is quite contrary unto it ; as one said : <sup>b</sup> *usura directe opponitur charitati* : *usurie is directly contrary to charitie* : and therefore forbidden by it, as another said : <sup>c</sup> *Fœnerari prohibet Christiana charitas.* *Christian love forbiddeth to put to usurie.* *Basil* said truly, *Mengather nor grapes of thistles, nor figges of thornes,* <sup>d</sup> *nor love of usurie.*

The second reason is as it were an Epilogisme to the former. *So to lend as the lender and the borrower may in al good likelihood be profited, is not against love ; But in the usurie above specified, and qualified both the lender, and the borrower may in all good likelihood*

\* Deut. 15.  
Luk. 6.

<sup>a</sup> 1. Tim. 6.

<sup>b</sup> Hug. Card.  
in Ps. 15.

<sup>c</sup> Beza annot. in  
Math. 19. 8.

<sup>d</sup> οὐδὲ ἀπὸ τῶν  
καὶ φιλαργυρίας  
τίει. Basil. hom.  
in usus.



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lihood be profited. Ergo, that kinde of usurie is not against love. I deny the *minor*, with a double distinction: first of the persons, for in respect of the lender it is past likelihood, because his profit (for so they terme usurie) is certaine, and sufficiently secured, and made most sure: and likewise in respect of the borrower it is past likelihood, for his losse is <sup>\* οὐκ ἐστὶν βλα-  
βὴ καὶ ἀναισθη-  
σίῳ. Basil.</sup> *ibid.*

\* certain, because whatsoever he giveth for the usurie is losse to him, his substance being so much diminished: and therefore Basil calleth all usurie <sup>† ἐν συμφορῶν  
κερδαίνειν.  
Basil. ibid.</sup> *gain of losse*. For it goeth out of his owne to the decrease thereof. Which may further appeare by the other distinction: in this action there are two things: first, *Mutuating*, by which together with the users industrie, and Gods blessing groweth the gaine, if any be: secondly, usurie or gaine to be paid for that lending, and that is so far from profiting the payer of it, that it impayreth his substance so much as it is. This distinction <sup>‡ Heming. in  
fac. 5.</sup> *Hemingius* hath; *No good can come by usurie of it selfe, but if there seeme by chaunce any good to come of usurie, that is not to be attributed to the usurie, but to the lending.* <sup>Non usuris sed  
mutuationem.</sup>

Now this profit which he supposeth to come to the borrower by the usurie, is but in all good likelihood, as he confesseth; there is no certaintie in it; and yet he will have the usurie, and increase to the lender not onely certaine, but assured by bond: is not this great inequality, and injustice? What if the borrower be indeede at losse by the using of that money? so that he cannot make up

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his Principall againe to repay the lender, will the lender beare part of that losse? No I warrant you. But say the borrower doth gaine, and get wealth, notwithstanding he pay usurie, as perhaps some may; though in comparison of them that are undone by it, they be very few, as *Basil* said, *Many, sayest thou, are made rich by usurie: \* more, thinke I, have come to the halter by it*: Yet that they gaine is not to be attributed to the usurie, but to the good bargaines they met withall, their skill in traffique, and principally to God blessing their indutry, and labour: whereby they have reasonable gaine to live by, and to increase by, beside that which the Usurer taketh; and shall this excuse the Usurers offence, which taketh away that which is none of his owne, but another mans, though he take not all the other mans, but leave him part for himselfe? If a theife meeting me, as I come from the market, take from me but part of that I have gayned there, leaving me enough to countervaille my charges and somewhat over, shall his theft be excused? I will conclude this point with *Leos* words not much varying the sence. *\* Quilibet sequatur eventus, mala est ratio facientis. What event soever follow the usurers case is naught.* This argument he presseth by consideration of the estate as well of the lender as of the borrower; *the lender wanting skill to imploy his money; the borrower having skill, but wanting wherewithall to use it; so that divisim both the ones money, and the others skill lyeth idle to the dammage of themselves, and of the*

\* πλείους δὲ  
οἰκταὶ καὶ βλάβη.  
χωρὶς τῆς ἀπορίας.  
*Basil. hom. ad  
r. usur.*

\* *Leo* serm. 6.  
de jejuniis detri-  
mi mensis. c. 3.

the common-wealth, but *conjunctim* they may benefit themselves, and the common-wealth too. All this is true : but what concludeth he hereof? *mary, ergo*, it is lawfull to put to usurie to the rich, *to purchase withall, or to compasse great matters to increase their wealth.* Marke how the premises crosse the conclusion : the premises describe a borrower, whose cunning and skill lyeth idle and dead, which must be by need, or want of wherewithall, which is povertie : for were he rich himselfe, his skill needed not to lye idle, much lesse to be dead. The conclusion describeth a man that is rich, and wealthy. So then here is the coherence of this argument : by lending to the skilfull poore which want wherewithall to imploy their skill, the poore may be maintained, and the common-wealth benefited. *Ergo*, It is lawfull to lend to the rich and wealthy to purchase, or to compasse great matters to increase their wealth. So then we are cleane gone from the question which was proposed of the rich, and wealthie, and are come to the poore, and needy. Now let us consider how this argument holdeth for them. The money of the lender wanting skill, and the skill of the needy borrower wanting wherewithall to use it, will both lye idle : *Ergo*, that lender may put his money to usurie to this borrower. How this consequence doth hold, you may coniecture by these : A man having a wife being himselfe unfruitfull, wanteth children to the decay of his house, and dammage of the common-wealth. *Ergo*, it is lawfull for another that

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is fruitfull, to lye with his wife, to supply these wants, or thus : A rich man hath a barne full of corne, but cannot thresh it out, to the hinderance of the common-wealth, and himselfe ; another being able and skilfull to thresh, hath no corne to thresh : *Ergo*, it is lawfull for this fellow to breake up the others barne, thresh his corne, steale part for himselfe, and leave the rest ready for the others use ; here both may be benefited, and the common-wealth too : oh say you ; but there are other lawful meanes to remedie both these inconveniences ; the rich man may hire another to thresh his corne ; and pay him his wages, holding his owne ; the poore may thresh for hire, and receive wages for his maintenance. Even so it is in our case proposed, there are remedies sufficient provided in humane societie, without usurie, that neither the money of him that is not able to use it, may lye idle ; nor the skill of him, that hath not wherewithall to use it, may lye dead : among other there is society, whereby both these two may joine together, and relying upon Gods providence, the one venturing his money, the other his skill, by Gods blessing may benefite themselves, & their families, and the common-wealth too. But the Usurer likes not this ; he loves not to trust to Gods providence : he can provide well enough for himselfe ; as *Ajax* answered his father, *\*I will vanquish, & have victorie, and that without God.* Touching the profit which commeth by usurie, it is true, that unto the usurer nothing can be of greater yeeld, no gaine comparable

\*εγω Νεξεί-  
μαι νικῶν.  
Sophoc. in  
*Ajace.*

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comparable to it: but to the needy occupier ( as  
*Basil* saith ) usurie doth not bring <sup>a</sup> a full remission,  
 but a little intermission of want; and hard fortune. δὲν ἀπαλλά-  
*No man can heale a wound with a wound, nor cure a sore* γὴν παρτελῆ,  
*with a sore,* <sup>b</sup> *neither can any man remedie neede by* ἀπὸ τοῦ κέραν  
*usurie: for how is it possible that money should* <sup>c</sup> *over-* ἀναβολὴν πρὸς  
*flow and multiply so excessively as to salve thy need,* ἀμυναντίας  
*and satisfie the Principall, and* <sup>d</sup> *beget the usurie too* παρὲς χεῖται.  
*saith Basil; and Plutark compareth it, even as if a man* Basil. ibid.  
*that is not able to cary a Kid, should crave to have a* οὐδὲ πινύαν  
*great Oxe laid upon his shoulders. And for the profit* τίκταις ἐπαγορ-  
*which may redound to the common-wealth by* βάσαι.  
*usurie, I will tell you what it is; the occupier to* πολυπλάσι-  
*make gaines of the wares bought with usury mo-* ἀδχεσται.  
*ney as will serve to sustaine himselfe, to repay the* ἐκ τοῦ κούσιν  
*Principall, and withall to satisfie the usurie, must* γεννᾷ.  
*hold up his wares the dearer, use the more craft*  
*and deceite, lying, and swearing, to sell them the*  
*better, to the oppression of the common-wealth.*  
*So that Chrysostome said truely that the Usurer was*  
*the common enimie of all: and Basil setteth downe*  
*the commodities of usurie,* <sup>e</sup> *lying, ingratitude, de-* ψευδὲς ἀρχή  
*ceaving, for swearing, and Plutark reckoneth up lying,* ἀχαιρίας  
*and forgeing, as fruites of usurie. As for any com-* ἀρῶμεν, ἀγνο-  
*moditie which may accrew to the common-* μοσιώης, ὁμι-  
*wealth by purchasing with usurie money, I can-* ορίας.  
*not imagine, unlesse the Purchasers rent-rearing*  
*and racking of Farmers to make up his money for*  
*the usurer, be a commoditie to the common-*  
*wealth.*

unto this answer of M. C. there is annexed a  
 defence

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defence thereof by another, who would faine goe a little further, and have usurie, that is so qualified as in the answer to the former question is set downe, to be a thing commaunded, yet he will not at the first dath avouch it plainly, but insinuatingly commeth in with his *if*.

*Defendor.* *If it be not a thing which in some case may truly be said, to be commaunded, yet at the least it is in the number of those actions which are indifferent, and free, either to be used, or not used, according to the inducement of persons, time, and place counselling or discouraging the same.* His reasons, and arguments I will set downe in his owne wordes, and answere them briefly.

*Defendor.* *To this purpose of the indifferencie, and freedome of the action to use it, or not to use it, commeth first: the word is selfe of Usurie, which in the learned tongues carrieth a middle, and indifferent nature apt aswell to note a lawfull limitation of the thing whereto it is applied, as to signifie that which is unlawfull.*

*Answer.* First, this assumption of his is false: for the names of usurie in the learned tongues are not apt to signifie an indifferent thing. *Nesheck* in Hebrue hath no aptnesse to signifie a lawfull action, which is the name of usurie in generall: neither *Nuchretha*, nor *Chibbuliab* in the Chaldæan tongue: nor *fanus* in the Latin tongue: nor *Tarbith* in the Hebrue tongue: for *Tarbith* is ever used for a thing unlawfull, and condemned: and so is the English *Usurie*, as himselfe confesseth, though he lay the fault upon the ignorance of the vulgar people: whereas

whereas it is in the nature and propertie of the thing which it is applyed to signifie. Secondly, this consequence *the name is apt to note a thing indifferent*. Ergo, *the thing which in common speech it is applied to signifie is indifferent* is altogether insufficient. This aptnesse to note must be either in the Etymologie, or in the use, and by this argument I could defend great sinnes. Adulterie in the learned Latin tongue hath his name of *ad* and *alter*: Now what is apter to signifie a thing indifferent than *alter*, *another*? and for the use, when a doore is opened not with his owne key, but of another doore it is called *clavis adulterinus*: when a letter is signed not with the seale of the writer, but of another, it is called *signum adulterina*: and either of these may be lawfully, or unlawfully done according to the inducement of the circumstances of persons, place, or time, counselling, or discouraging the same: and what? shall I with this defensor conclude: Ergo, adulterie in some case may be lawful or indifferent? Likewise fornication cometh of *fornix*, *an arch*, or *a roome built archwise*. Which is a lawfull thing, and hath an aptnesse to signifie an indifferent thing, a place apt as well for lawful copulation, as unlawful: is therefore fornication in some case indifferent? A thiefe in the learned Latin tongue is called *fur*, *a ferendo of bringing* as <sup>a</sup> some say; or of *furvus* that is *furvus*, *blacke*, or *darke*, as <sup>b</sup> other more ancient say: and in Greeke *κρυπτης* of *κρυπτω* *to hide*, or *keepe close*: all which are of a middle, and indifferent nature, apt as well to sig-

πρὸς

F

nifie

<sup>a</sup> Sipont.

<sup>b</sup> Nonn. Mar-

cel. de prop.

serm. Varro de

ling. Lat. l. 4.



# 34 *Usuries Spright conjured.*

nise a thing lawfull, as unlawfull. Yea by this argument *tyrannie* may be better maintained than *usury*; for the worde in the learned tongues both Greeke and Latine is of a middle, and indifferent nature, apt by his etymologie, and applied by use to signifie either a good or a bad King. By this you may see also the vainenesse of this argument drawne from the Greeke worde *τίκω*, which properly signifieth that which a living creature procreateth or bringeth forth by generation, and because (as *Aristotle* saith) as the living creature in generation bringeth forth more of the same kinde, or his like: so money put to usurie bringeth forth his like, that is, more money, therefore usurie is likewise called *τίκω*, that is a thing generated of the same kinde. Now commeth this Defendor and argueth thus: *τίκω* signifieth children which are gotten by generation; and children are some legitimate, and some illegitimate; and *τίκω* signifieth also usurie, *ergo*, usurie is some lawfull, and some unlawfull. It is a plaine *Paralogisme ab aquirvoto*: *Lupus* signifieth a Woolfe, and woolves haue tailes: and *Lupus* signifieth also a snaffle, *ergo*, some snaffles haue tailes. Even as good as this: *κρύπτω* signifieth to hide, and that may be done either lawfully, or unlawfully: and *κρύπτω* signifieth also to steale: *ergo* stealing may be done either lawfully, or unlawfully. And why not this: *τίκω* signifieth that which is begotten, and procreated by generation, as children, and the children are begotten of male, and female, and are themselves.

some

## Usuries Spright conjured. 35

some male, some female: and *ma* signifieth also the usurie money which is begot of the principall: *ergo* usurie money is begot of a male, and a female: and some usurie money is male, and some female. This is somewhat likelier than the other: for there are some *Edward* peeces, & some *Elizabeth* peeces; and *Phillips*, and *Maries* may stand for *and* *et* *que*.

In handling of this argument he goeth about to meet with an objection out of *Aristotle*, making us beleieve that *Aristotle* maketh for him. *Aristotle* *Arist. Pol. 1. Pol. 1. cap. 7.* condemning usurie altogether, among other reasons useth this: Whosoever leaveth the use of a thing which is agreeable to the end, and nature of it, and maketh a use contrarie to the end, and nature of it, is to be condemned: but the usurer leaveth that use of money which is agreeable to the end, and nature of it, and maketh a use contrarie to the end, and nature of it; *ergo*, &c. The *minor* he prooveth, because money was ordeined for commutation, and the nature of it is to serve thereto in humane societie, which use the usurer leaveth altogether: againe to make money breed, ingender, or bring forth money is against nature: for money hath no such gendring, or procreating nature, being naturally barren: but the usurer maketh his money gender, and procreate more money, that is, more in the same kinde. Wherefore *Basil* termeth usurie *αλλότροπον θηρίον*, a *beast of a strange and monstrous nature*, in bringing forth, differing from other creatures: which he *Basil hem adversus.* sheweth, because other creatures *have a time to bring*

## 36 Usuries Spright conjured.

bring forth perfect yongue: but the usurers money is borne to day, and to day begins to bring forth. Other creatures the sooner they ingender, the sooner they leave of ingendering: but the usurers money ingendreth quickly, and never leaveth off: Other creatures coming to their growth are at a stande: but the usurers money is ever growing. Other creatures delivering over their breeding to their yongue, leave off teeming themselves, but the usurers money, both that is newly borne, doth beget, and the old principall is yowthful stil.

To the second part of *Aristotles* minor this defendor answereth, that *Aristotle* condemneth onely that usurie which is practized with the neighbours losse, and onely for this cause that the Usurer taketh it whether the debtor hath gained, or not. Whereas in *Aristotle* there is no such thing, nor the least inkling of any such distinction. *Aristotles* speech is general, his arguments cary with them a generalitie, neither is there in him one title tending that way. Yes,

Defendor. saith he, *The very words doe shew it, where he saith, money is barren, and doth not beget money, that is, if it be alone, and of it selfe: and who denyeth this, money in a chest, or hid in the ground doth not beget money: but that wares may be bought with it, and so by mans industrie gaine be made, who can deny? Therefore we say, gaine may be taken of the gaine, not money of the bare money.* Who ever heard such an absurd conceite; that *Aristotle* speaking of the unnaturalnesse of money begetting money in usurie, meaneth of money taken upon usurie to be locked in a chest, or to digge it in the ground? No not old *Euclio* in

*Plautus.*

*Usuries Spright conjured.* 37

*Plautus*, I warrant you, would pay usurie for money, to pot up, and put in the ground, as well as he loved it. If any were ever so witleffe, shall we thinke that *Aristotle* intreating of the common societie of mankind, the weale publike, and the politique state, ever dreamed of such doing? No, he spake of that usurie which was in use, and common practize: But see the absurd consequence of the rest. *Wares may be bought with money*: true, for that is the right end of money; commutation: *A man by his industrie may make gaine of his wares*, true, or else all trade and traffique were in vaine: but what of all this? Mary, saith the Defendor, *Ergo, the usurers bare money doth not yeeld him money*. And why forsooth? what else commeth from the usurer but the bare money? or for what is the usurie money paid him, but for the bare money? the wares are none of his; the money which was paide for the wares was then none of his; the commutation was not made by him; the industrie is none of his; the venture is nothing to him; neither is there any thing his but the bare money which getteth him his usurie money. If the Vsurer will plead societie and so come in for a share of the gaine, let him keepe the lawes of societie according to the rule of equitie, and take his share of the gaine, if any be in Gods name.

*The next point, and the same the greatest, and most Defendor. important (saith the Defendor) is to take a view of all those places of Scripture which are commonly alleadged, as carrying in them the sentence of condemnation,*

## 38 Usuries Spright conjured.

written in them, against all compact for increase of money over and above the Principall, whereof the first is, Exo. 22. 25. To avoid the condénation of this place he hath foure evasions, all like to Adams fig-leaves.

The first is this : In the 21. 22. 23. 24. verses he  
 Defendor. doth generally forbid the oppression of the poore, and destitute persons ; after verse 25. 26. 27. that which before he had spoken of oppression, he expresth by the particularities, and the kindes thereof : now in the prohibition there being nothing spoken against, but that whereby any neighbour is oppressed, it cannot be that any thing is reckoned up in the particulars, but that wherein my neighbour is oppressed. There being then a kind of usurie, and increase of money by contract which doth not oppresse my neighbour, but releiveth him, it must necessarily follow that usurie is not here forbidden.

Answer. Usurie is not a species, or a particular of the sinne forbidden in the former verses 21. 22. 23. 24. In those verses there are two severall precepts, the one concerneth strangers or sojourners, the other toucheth widowes, and orphanes of the people. These are *disparata* : and therefore cannot have one species under them. Againe the persons mentioned verse 25. are Gods people the Israelites, and adde the adjunct unto them, the poore : it is the poore Israelites : Now they cannot come under the Genus strangers, for they are opposite : stranger, and Israelite : neither can they come under widowes, and orphanes, but are divers kinds frō them : for widowes & orphanes are respected, not in regard of poverty, unlesse withall they be poore ; but of their inhabilitie

## Usuries Spright conjured. 39

bilittie to menage worldly affaires, & to withstand  
 wrong, and of their aptnesse to be wronged: and  
 if they be poore withall, then are they but a *species*  
 of poore people. So that in respect of the persons  
 he should rather have said contrarily, that this 25.  
 verse had beene *genus* to the other before. Now  
 for the sinne forbidden against the stranger there  
 are two things prohibited; first, *ינה*, which the  
 Rabbines to distinguish from the other, doe inter-  
 pret it, of an abuse by words, as *obraising*, and *re-*  
*viling*: Now hereof usurie cannot be a *species*: for  
 usurie is no verball matter; wordes will not serve  
 the turne: If this interpretation be not liked, there  
 will be little difference between this, and the other  
 word *ינה* and that signifieth to presse, or thrust  
 with violence; as the *Ass* thrust *Balaams* foote a-  
 gainst the wall *Nam. 22.* and as *Elizew* com-  
 manded *Iehorams* messenger to be used *2. Reg. 6. 32.*  
*crush him in the very doore*, and *metaphorically* it sig-  
 nifieth that violent injurie, oppression, and tyranny  
 wherewith cruell kings crush, keepe under, and af-  
 flict their subjectes, as the case of the *Israëlites* was  
 under the Kings of *Ægypt*, which *Moses* expre-  
 seth by this word. *I have seene the affliction where-*  
*with the Egyptians afflict them.* Now that was plain  
 tyranny in the *Ægyptians*, and slavery in the *Israë-*  
*lites* being forced to all kind of drudgerie by bea-  
 ting, and bodily punishment, as *Moses* sheweth.  
*Exod. 1. 13. 14. & 5. 14.* Now of this affliction  
 usurie can be no *species*, because in usurie there is  
 no force or violence, but all amitie, and faire speech

יש ארכאה  
 כרבריס  
 R. D. Chims.

in lib. radicum.

לה  
 לה

## 40 Usuries Spright conjured.

Basil. hom. in  
usur.

as Basil sheweth, *The Usurer laugheth upon him, and remembreth the acquaintance he had with his Father, and calleth him good neighbour, and friend.* Against the widowes, and orphanes there is forbidden רצח which hath the like signification, that רצח hath, that is, an unjust kind of handling with violence, as tyrannie, and servitude is: for *Moses* expresseth the tyrannie of the Egyptians, and slavery of the Israelites, with this word also. *Exod. i. 11. 12. & Gen. 15. 13.* And *Saraes* violent usage of *Hagar* is expressed with this word. *Gen. 16.* Now this cannot be a *genus* to usurie, because there is no violence, or force in usurie, as before was said. These finnes are abuses τῷ θυμῷ, of the irascible part of the soule: Usurie is an abuse τῷ ἐπιθυμητικῷ of the concupiscible part: they are breaches of the sixt commandement, *Thou shalt not kill.* usurie a breach of the eight, *Thou shalt not steale*: they are vices in excessse of the vertue, ὅτι τὰς ὁρᾶς. Usurie is an excessse of the vertue ὅτι τὰ χεῖματα as the Philosopher speaketh: and yet this learned man will haue one a *species* of the other.

Defendor. The second evasion is this, *The particular oppression, which is spoken of in the 26. and 27. verses, being a thing not simply unlawfull, but that which may be done in some case, it followeth that the former, which the holy Ghost hath made Par, and brother to it, is also not simply unlawfull.* As therefore there may bee a man of such wealth, and store of garments, that a man may lawfully keepe his garment that hee hath pledged with him, not a night alone, but an whole yeere of nights:

so



# Usuries Spright conjured. 41

so he may be such an one to whom he hath let money, that he may lawfully expect any increase of money for the lone thereof.

The Antecedent is untrue : for the particular *Answer.* oppression spoken of verse 26.27. is simply unlawfull, and may not bee done in any case, that is for any creditor to take of any poore man for pawne, his garment, having none other to cover his nakednesse withall, whether it be by day, or by night, as the Rabbines understand it of both. It is inhumanitie to see a man goe naked, or lie naked with nothing upon him : and Christianitie commandeth to couer such : but it is immanitie and savage crueltie to make him goe naked, and to take from him that *onely* thing he hath to cover his nakednes: and that the law speaketh onely of such a pledge, is more then manifest, vers. 27. *For it is his onely covering, it is the very covering of his skin, wherein shall he lie ?* and of such *Iob* speaketh: *They make a man* <sup>Job. 24.7.</sup> *lie naked all night without a covering, and they take to pawne that which the poore hath on, and make him goe naked without a covering.* <sup>9.</sup> And yet our Defendor commeth in with his rich man, that may spare one garment a yeere of nights, as though he dreamed of nothing but rich men, and wealth. Well, let us leaue him in this sweete dreame of his, and come to his third evasion, which is this.

*Both in the verses before, and in the present verse in Defendor. hand, he speaketh of the poore, and destitute, yea and very poore persons, and therefore without injurie of the text, it cannot be stretched to all sorts of men.*

## 42. *Usuries Spright conjured.*

*Answer.*

It is well that hee coupleth this verse with the former verses: for by them he may see the nature of this. In the verses before, where he forbiddeth abusing with termes, oppressing with violence, and afflicting, he speaketh of the poore, yea of destitute in respect of abilitie defensive, namely of strangers, widowes, or orphans: therefore without injurie to the text, those lawes cannot be stretched to all sorts of men, but that we may lawfully abuse in termes, oppresse, afflict any other being neither stranger, widow, nor orphan. If the Defendor will grant me this consequence, I will straine my selfe to grant him the other, and seeke some other answer to this evasion. *Sed quæ est ista dialectica: What Logique is this?* said M. Jewel. Solomon commands, *rob not the poore, because he is poore. Ergo, it is lawfull to rob the rich, because he is rich.* I adde the like out of *Moses*: *Moses* forbiddeth <sup>b</sup> to defraud, or deceiue the hireling, that is poore and needie: *Ergo*, if he be rich and wealthie, I may defraud, and deceiue him. But in this kinde of Logique, I can helpe the Usurers one ace beyond their Defendor: for as there is a limitation of the people to the poore, so that of the rest of the people we may take usury: so there is in this law a limitation also of the poore to one speciall kind of poore, namely *עבד עמר* *the poore with thee*. Now this addition *עמר with thee*, doth import not onely a vicinitie, commoration, or dwelling together; for the holy ghost expresseth that with other phrases, as *בקרב* and such like; but it importeth withall a bond betweene

<sup>b</sup> Deut. 24.14.

עשק

## Usuries Spright conjured. 43

tweene them of Dominion, and servitude or subjection, as to be one of his familie, and within his service, as we use also to speake, *he hath bene with me seaven yeeres*, that is, hath served me, or bene in my familie. Which also may appeare, because the law speaking of taking a brother into service useth this word, *he shall be עִמָּךְ with thee*; and speaking of the manumission of such an one useth the same word בְּעִמָּךְ *from with thee*, which is not a little inforced in the latter member of this law, which mentioneth *imposing upon*; insinuating a superioritie over him. So then the law speaking only of such poor as are with me, under me, within my service or familie, it cannot be without injurie to the text, to stretch it to all sorts of poor, but that I may take usury of such poor as are not with me, are nothing to me, owe me no service, & perhaps dwell not neere me. Now I hope I have pleased the Usurers with enlarging their libertie by following this Defensors Logique. But to returne to the place; there are many reasons why in these lawes, and the like there is speciall mention of these impotent persons. First, *Lyra* saith, *Lex exprimit illud quod frequentius accidit, scilicet afflictio talium, quia resistere nequeunt. The law expresseth that which usually happeneth, namely the afflicting of such, because they cannot withstand, or defend themselves*: Secondly, God useth in his lawes to expresse the grossest sinnes, as *murder, adulterie, theft*, not allowing whatsoever commeth not to that degree, but in these condemning that. Thirdly, God hereby would testifie to

<sup>a</sup> Levit. 25.  
<sup>b</sup> ibidem.  
Deut. 15. 12.

*Lyr in Exod. 22*

## 44 Usuries Spright conjured.

• Psal. 68. 6.

146. 9.

• בושח  
• Pag. 46.

the world his care over these destitute persons, which of all other are least cared for; and therefore he taketh them into his <sup>a</sup> speciall protection. Now if God forbidding to lend upō usurie to the poore, should allow men to lend to usurie to the rich, he should have more care of the rich, than of the poore: for no man would lend to the poore freely, when he might lend to the rich for usurie. Lastly, I might deny, that this addition, *the poore with thee*, doth belong to that member which forbiddeth usurie: for in lending money God forbids two thinges in that verse: First, <sup>b</sup> *to be as a Creditor*; such an one as shall be described <sup>c</sup> *anone*: and here it was requisite that the specification of poore should restraine it, because otherwise it is not unlawfull, as appeareth, *Deut. 24. 10.* Where there is a law made for the right and lawfull practize of it. Secondly, it is forbidden *to impose usurie*: and this member hath no mention of poore, because it is a generall prohibition, and somewhat it appeareth, that this prohibition differeth from the other, because the holy Ghost setteth it downe in a different forme of speech, speaking in this member plurally, whereas in the former he spake *singularly*. Howsoever it be in this law, that the prohibition concern the poore onely, or all in generall; it is manifest, that in other lawes usurie is generally forbidden, as *Deut. 23. 19. Thou shalt not put so usurie to thy brother*: here is no difference of poore, and rich, but a generall comprehension of all Israelites, and members of the Church, which may further ap-  
peare

*Usuries Spright conjured.* 45

peare by the generall opposition נורריים of aliantes. And so *Ps. 15. 5.* *He that giveth not his money to usurie:* heere is no exception of aliants neither, as the <sup>a</sup> Iewes themselves confesse, & our Saviour in the <sup>\*</sup> Gospel taketh away that difference of brother and aliant, and of poore and rich too. And so in the prophet *Ezechiel*, and the *Proverbs*. For *Livie* by long experience in the Romane State did finde, that usurie was <sup>b</sup> *damnissima etiam divitibus*: and *Plutarke* avoucheth, that *Jupiter Ctesius* (so termed because he is owner of all) can not save that man, that wil rather borrow upon usurie, then sell his owne goods to serve his turne.

<sup>a</sup> *Iyra in Exod. 22. Galat. de area. Cathol. veris. 1. 11. c. 4. Math 5. 42. Luk. 6. 35. Liv. dec. 1.*

¶

His fourth, and last evasion is, *that the word translated usurie signifieth biting; so that if there be any usurie which biteth not the poore, but healeth the bite, which the tooth of pouertie hath made, it cannot lie under the condemnation of this place.* Defendor.

This is a great evasion with usurers, which they Answer. stand much upon; insomuch that everie illiterate carle, and bookelesse broker hath *Nesheeb* in his uncircumcised mouth, and can say that *Nesheeb* signifieth biting, & therefore this Defendor translath this place thus: *Thou shalt not lay upon him a biting: as that word is knowne to signifie,* saith he: But to fire them all out of this starting hole at once, I tell them that this word *Nesheeb* doth never signifie biting: nor any thing else but onely usurie, that is, gaine for lending. If it be such a knowne thing, as he maketh it, let him or any of them all thew one place in Canonically Scripture, or other He-

## 46 Usuries Spright conjured.

#  
brue writer, where *Neshech* signifieth a biting, or any thing else, but onely that which the Hebrues with another name call *Tarbith*, the Greekes *τοκον*, the Latines *fœnus*, and we *usurie*. I haue beene ten yeeres Professor of Hebrue in a famous Univerſitie, and therefore ſhould haue read ſomewhat, and yet I confeſſe I could never finde it. The trueth is this; there are many Verbes in Hebrue, which in diuers Conjugations, or with diuers conſtructions, or both, do ſignifie diuers, yea ſometime contrary things: and therefore though they be written with the ſame letters, yet may well be accounted diuers Verbes, as

\* Theod. Gaza.  
Gram. lib. 4.

*Theodorus Gaza* ſaith, ſpeaking of the like in the Greeke tongue. *φανερὸν δὲ τὸ αὐτὸ ῥήμα, λαμβανόμενον διαφόρως, διαφέρει ἐαυτῷ τῷ εἶναι, καὶ διαφορῶς ἀποκαταλείπεται, καὶ συντάσσεται: it is manifest that the ſame verbe being takē diuers waies, (or in diuers ſignifications) doth differ from it ſelfe in verie eſſence, and is diuerſly called, and conſtrued.* Yea in Hebrue ſome few of them in the ſame conjugation, and with the ſame conſtruction too, do ſignifie verie different things: which difference, and diuerſitie in generall is diſcerned either by the Conjugation, or Conſtruction, or elſe by the circumſtances of the place: as the Verbe *בָּחַל* which is uſed in the next verſe, in the conjugation *Pibet* ſignifieth *to deſtroy, and diſſolve a ſunder*: but contrarily in *Cal* it ſignifieth *to binde together*; whence commeth *בָּחַל* a cord, or cable which retaineth the Hebrue etymologie) and becauſe poſſeſſions and inheritances were uſually devided by corde, an inheritance is alſo called by

*Usuries Spright conjured.* 47

by the same name, *Chebel*. Now shall I say, because this, or that mans landes were never laide out by cord, but other waies, therefore it is not inheritance, *Chebel*; for *Chebel* signifieth a cord? much lesse may I saie, that *Nesheeb* signifieth biting, as anone shall appeare. Again the same Verbe חבל in *Cal* signifieth to take to pledge, and a pledge is called חבול *Chabol*, shall I say, that when God forbiddeth to take a millstone to pledge, I may lawfully doe it, so there be no bond, or binding of it, for *Chabal* signifieth to binde? The Verbe בך in *Cal* is taken Neutrally, and signifieth to kneele, and thence בך is a knee, and ברבח is a pond, belike because that in swimming there, men bend their knees: as in Greeke such a poole is called \*κολυμβήθης\* *Ioh. 5.*  
*θες, a swimming place*: Now because in this, or that pond there was never any swimming, or a man cannot swimme in it because of the shallownesse of it, or some other cause; is it not therefore *berechah, colymbethra, a pond*? or shall I say, that those words signifie swimming, or a swimming place? Again, the same verbe *barak* in the conjugation *Piel* is used transitively, and signifieth to blesse, or salute, because usually inferiours, blessing, or saluting their superiors, did kneele or bow the knee, and thence *barachab* is a blessing, or saluting, and sometime contrarily it signifieth to curse, or ban. Shall I therefore say, that there is no blessing where there is no kneeling? or that *barachab* is knowne to signifie a kneeling? that <sup>a</sup> God did not blesse his creatures, because he did not kneele? that

*Gen. 3. 22.*  
28.

the



## 48 Usuries Spright conjured.

<sup>b</sup> Psal. 103.

<sup>c</sup> Gen. 49.

<sup>d</sup> Num. 23. 24.

<sup>e</sup> Num. 21.

<sup>f</sup> Deut. 23. 19.

<sup>b</sup> the heavens did not blesse God, because they had no knees? that *Jacob* did not blesse his children, <sup>c</sup> because he lay along in his bed? or when <sup>d</sup> *Balaam* answered *Balak* that God had commaunded him to blesse *Israell*, and not to curse, might *Balak* have answered, notwithstanding, thou art not forbidden to use forcerie, inchauntment, or witchcraft against them, so there be no kneeling, for that word is knowne to signifie kneeling? Or might *Esau* have answered his Father *Isaak*, that the same which his brother *Jacob* had stolen away, was not a blessing, because *Isaak* did not kneele. *Gen.* 27. 37. *Num.* 21. Surely he might have answered so as truly, as our Usurers say, that *Neshech* signifieth biting. For although the verbe *Neshach* used in *Cal*, transitively with an accusative case of the sufferer, signifieth to bite, as *וַיִּשֶׁךְ הַחֹמֶשׁ אֶת הָאִישׁ* <sup>e</sup> *momordit serpens virum; the Serpent did bite a man*; yet in the conjugation *Hipbil*, (to which *Neshech* is *אֲשֵׁרֶךְ* and consignificant) it requireth a dative case of the sufferer, and an accusative cognate significationis (as the Latin Gramarians speake, the Greeke call them *ἐν καὶ τὸν*) and so it never signifieth to bite, but onely *to use, to fenerare, to usurie* (if you will give me leave to make a word (or to put *to usury* as *לֹא תִשָּׂא* <sup>f</sup> *Non fenerabis fratri tuo fenus: Thou shalt not usurie to thy brother usurie of silver*. In which signification, or acceptio it is another verbe from that which signifieth to bite, differing from it in very essence, as *Theodorus Gaza* said, which is more truly saide of this verbe, which differeth from

# Usuries Spright conjured. 49

from the other not onely in acception, and construction, but also in conjugation; which in Hebrew maketh a great difference, as you may see by many examples: as **גאל** in *Cal* signifieth *to redeeme*; in *Piel*, *to pollare*: **ברא** in *Cal* signifieth *to create, or make*; in *Hipbil*, *to fatten*: and so **בריא** is *fat*: and the same verbe in *Hipbil*, also signifieth *to abuse*; **גר** in one, and the same conjugation *Cal*, with the prepositions **עם**, or such like signifieth *to dwell*: **ירש** **ביר** or **בירי** *to feare, or to be a afraid of*: and an hundred more of like sort. And that *Neshech* signifieth *usurie*, and **נשך** *Nashach*, *to goe to usurie*, without any respect of biting may appeare. *Deut.* 23.19. where it is applyed to the principall, or the things lent, *of any thing, which doth usurie, or goeth to usurie*. Now the thing lent be it money, meate, or whatsoever else doth never bite, but helpe and relieve: the intent of the lender is not to bite; the intent of the borrower is not to be bitten; the nature of the thing it selfe is not biting; and therefore that word there cannot probably, or possibly be translated, *biting*; and therefore *Neshech*, and *Hushech* being conjugata to it, and Derivatives of it, ought not to be taken in the signification of *biting*; but in the same signification, wherein their originall, & primitive is; and what an absurd construction would it be to translate the derivatives in that sort. *Thou shalt not bite (or make to bite) to thy brother a biting of silver, or a biting of meate, &c.* What a fencelesse speech would this be? And for further confirmation, that the word *Neshech*, and

The Hebrew conjugata cannot be expressed verbatim without making of words, & scarce with that neither, for as in Greek the user is said *δανειζων* actively, and the user *δανειζεις* deponently, so in Hebrew the principall is saide **נשך** neutrally, and the user **נשך**, as in Greeke *δανειζουρος*, & the Usurer **נשך** actively, which is **עבד נשך** *transiens in tertium*, as *Chimchi* saith which kinds of speaking our tongues cannot expresse.

H

*Nashach*

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*Nashab* doth import usurie without any respect of *bining*, let me adde the judgement of the most skilfull in that tongue, who doe ever translate, and expound it *usurie*, without any mention, or insinuation of *bining*, as the *Septuagima* translate it τινος? The *Chaldean Paraphrast* doth call it רביהא *ribbita*; The *Rabbines* expound it רבת which with them is the generall name of usury. But grant that usurie had his name in Hebrew of a Primitive, which signified *bining*, what is that to the purpose, when we know what the thing is, which it is applyed to signifie? The question is not of the *Etymologie*, but of the lawfulness of the thing: the thing is knowne, what it is; whence the name was first takē that the same thing is called by, is not materiall. <sup>a</sup> S. *Augustine* giveth a very good rule. *Verbum non unde dictum sit curandum, cum quid significet intelligatur.* It is no matter whence the word is derived, when we know the thing which it signifieth. In giving names to things, it is well enough, if the nature which it hath ἐστὶ τὸ πάλιν, (על הריב as the *Rabbines* speake) for the most part, be agreeable to it: yea if it ever had such a qualitie which the name importeth, though the same qualitie, or accident be left, or growen out of use: as carnall copulation with a single person is *fornication* still, though it be not committed in an *arched*, or *wanted* roome; and yet that sinne had his name first a *fornice*; as before hath beene shewed, because then often it was committed in such places, and therefore <sup>b</sup> *Gallen* saide truely *ἐτυμολογία μαρτυρεῖ τὸ ἀληθές*, *Etymologie* is but

<sup>a</sup> Aug. Prim.  
Dialect. c. 6.

<sup>b</sup> Gallen, de  
Hypoc. & Plac.  
decret. l. 2. c. 2.

# Usuries Spright conjured. 51

but *alyng* witnesse, which made Tullie so afraid to translate *εὐμολογία* *veriloquium*. Me thinkes I could helpe the usurers in this point better, then the Defendor hath done: for therere is no usurie, but that which *accedit sorti*, as this Defendor saide truely before; but *sors* importeth *chance*, *hazard*: there-  
Cic. in Topic.  
Fortuitum rei  
eventum. Si-  
pons.  
 fore whether we lend to poore, or rich; gaine they, or gaine they not, if we put the principall out of hazard, and make it sure by bond, suerty, or pawne, what increase soever we take, it is: no usurie, *Quia non accedit sorti; because it commeth not to a thing put in hazard.* Lastly, grant that the scripture condemned onely *biting* of the poore, or biting of thy brother by lending; yet we might easily understand all usurie to be forbidden, because all usurie *biseth* more, or lesse, as one biting is worse then another; and one sooner felt than another, and therefore no marvaile that the most wise *ἱερομαθὴς*, and name-maker linked their names in such neere affinitie together. The biting of a Serpent, being done prively, when a man is asleepe, or greatly busied, is not great, nor soone felt, but it groweth; and if it continue, it wil overrunne the whole body: and such is the nature of usurie, saith Rabbi Solomon: *As the Serpent maketh a little blacke*  
Rab. Solomon in  
Ezech. 22.  
*and blew in the foote, and there is no feeling of it, but afterward it groweth, and spreadeth it selfe, till it come over the crowne: So in usurie, there is no feeling of it, no perceivring of it, till it grow great, and diminish a great deale of substance.*

The next place is Levit. 25. 35. 36. 37. Out of Defendor.  
 which

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*which place the same may be confirmed, and further reasons gathered for the strengthening of the judgement before set downe. First, whatsoever is set downe, and forbidden to be done, is not forbidden generally, but to thy neighbour that is brought low.*

*Answer.*

This argument of our usurie Defendor, *vide licet.*

God providing for a man that is decayed, forbiddeth to take usurie of him, *Ergo*, it is lawfull to take usurie of one that is not decayed, hath beene sufficiently answered before. And further it may be said here, that the commaundement of helping, and upholding, verse 35. belongeth to the brother decayed; but the commaundement forbidding *usurie*, verse 36. pertayneth to the brother in generall, as well as *Deut.* 23. 19. which seemeth to be enforced, because in this 36. verse he nameth the brother in generall. But it mattereth not much though both the commaundements be restrained onely to the brother decayed.

*Defendor.*

*Secondly, there is a farther reason drawne from the end, which is, that thy brother may live with thee: wherefore if the love of money be so tempered, that hee may well live with thee, it is plaine that such usurie is not forbidden.*

*Answer.*

Heere the usurer discovereth his minde, that any rate of usurie may be taken, so the poore borrower may live, and hold soule, and life together. And truly experience sheweth, that usurers have no more respect of their brethren: goods, landes, libertie, and all they get; and it is well that the brother.

*Nec liberum  
corpus superset.  
Liu. 1. 1. 6.*

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brother lives, & *vescitur aura ahera*. But to his argument. First these words *אחך עמך יהי* *let thy brother live with thee* (for so the text is, not as Tremelius noteth *αγαπηματῶν* that the life of thy brother may be with thee) are not the *סוּרָא* or rule for the rate of usurie, as this Defendor would have it, but an argument to moove us to leave it, taken from our dutie to our brother: as in the verse next before, there is another argument to the same effect, taken from our dutie towards God. By dutie we are bound to feare God. *Ergo* we must not take usurie, because God hath forbidden it: by dutie we are bound to preserve, and maintaine the life of our neighbour: *ergo*, we must not take usurie, because usurie taketh from him that, wherewith he should maintaine his life, his living, his goods. Whereby appeareth, that *Caroes* answer was not unreasonable, when being demanded what usurie was, answered <sup>a</sup> *manslaughter*: And that *Licinius* complaint was not unjust, <sup>b</sup> *that men were slaine with usurie*. Now saith this Defendor, I may take usurie so my brother *may live*: let him say also, I may take usurie so I *feare God*; and then all usurers will be excused: for many of them counterfeite such holinesse, that they will be taken for men that feare God; and have ever the feare of God in their mouthes; for as a reverend father said publikely of late, *there are of our holiest brethren which are usurers*.

Secondly, this is a bad consequence: I must not take usury of a decayed brother, who if he pay usury cannot live, *ergo*, I may take usurie of the rich, be-

<sup>a</sup> *Quid sanera-  
re? quid homi-  
nem occidere.*  
*Cic. offic. l. 2.*  
<sup>b</sup> *Farore cruci-  
dantur. Liv.*  
*Dec. l. 1. 6.*



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cause they may live notwithstanding they pay usurie. Will the speciall reason of a speciall law, given in regard of some one circumstance, abridge & re-  
 straine the generall law? Will the exaggeration of  
 a sinne in the highest degree make all those actions  
 no sinne, which come not to that degree? God  
 forbiddeth a man, which hath bought an Israeli-  
 tish maide, to sell her to a stranger, giuing this rea-  
 son, <sup>a</sup> *because he hath abused her*: Was it therefore  
<sup>b</sup> lawfull for such a master to sell an Israelitish maid,  
 if he had not abused her? No, <sup>b</sup> that is unlawfull  
 too. Because it is an heinous offence to steale a  
 cow from a man, that hath no more to live by:  
 is it not a sinne to steale a sheepe from a man, that  
 hath thousands, and can live well enough for all  
 that, and perhaps never misse it? The Defendor  
 might have scene a more generall reason of the  
 forbidding of usurie in this place of *Leuiticus*: for  
 first, *vers. 37.* he setteth downe a generall law: *Thou  
 shalt not give him (that is thy brother) thy money up-  
 on usurie, nor thy vittale upon lene.* Then *vers. 38.* he  
 giveth this reason, *for I am the Lord thy God, which  
 brought you (both the lender and the borrower) out  
 of the land of Egypt.* Now he brought the rich, as  
 well as the poore out of the land of Egypt, and  
 therefore neither rich nor poore (though they have  
 no other way to live but by a stocke of money)  
 may give their money upon usurie either to rich,

Defendor. or poore.

*Thirdly, for that the increase of vittuals, and con-  
 sequently of corne, is as well forbidden, as of money,  
 wherefore*



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wherefore corne ordinarily increasing in these Countreies 100. 60. 30. fold, if it be lawfull to take increase of corne, it is lawfull to take increase of money; But the former is not denied of some that are the greatest scourgers of usurie: And therefore, even in their judgement, if they will be like themselves, the other may not be denied.

This proposition it is lawfull to take increase of *Answer.*  
*corne*, is amphibologicall, and ambiguous: if he meane, that it is lawfull for the husbandman to receive the increase of his corne that he hath sowed, as his mentioning of the increase of 100. fold doth import, it is most true; but it will never be fitted to our question of usurie: for there is no *mutuation, or lending*, but metaphoricall. If he meane, that a man finding nothing but corne, and putting it to another to sow to parts, may take his part of that which cometh of it; be it lesse then he put out, or as much, or more; & so if more, to take increase, it is also true, but it is nothing to usurie; for it is plaine *Societie*. If he meane, that a man lending corne to another, and the borrower sow the same, the lender may covenant with him to have his Principall againe, and some increase for the use; he must proue that true. For I deny it, and, untill he proue it, say it is unlawfull, because it is usurie. And yet this is nothing to that kind of increase, which is spoken of in this 37. verse; for that is *אכל מרבית אכל* *increase of food*. And indeede it followeth consequently, that the forbidding the increase of food, forbiddeth also the increase of corne borrowed to make foode of: but that differeth  
much

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much from corne sowed for increase; which may be as well for marchandize, as for the sowers spending. Againe, with sowing it hath an aptnesse to increase naturally, which by sowing *reducitur ad actum*: which aptnesse spending corne, vitaille, and money hath not: for the making of that corne apt to spend, spoyleth it of his aptnesse to increase. So here is a suite of *non sequiturs*. Increase of victuall is forbidden: *Ergo*, increase of corne sowed is forbidden. Corne sowed increaseth 100. fould: *Ergo*, it is lawfull to take usurie of money: or, it is lawfull to take increase of corne sowed: *Ergo*, it is lawfull to take usurie of money. What *media* will he have to tie these together?

Defendor. *The lawfulnessse whereof may appeare by the example of Ioseph. Gen. 47.13. Who for foode once given, tooke a fift for ever.*

Answer. The Relative (*whereof*) is referred by him to the increase of corne, as I take it, not to the increase of money. So the argument is this. *Ioseph* for food once given tooke a fift for ever; *Ergo*, it is lawfull to take increase of corne; and consequently of money. I answer, first the *Antecedent* is false. It was not *לחם* *foode*, nor *אורז* *frumentum*, *bread-corne*, but *זרע* *seede*, or *seede-corne* that *Ioseph* gave the Egyptians, as *Moses* sheweth, *Gen. 47.23*. Againe *Iosephs* contract, and bargain was not to have his Principall againe, and increase besides, as in usurie is require: but the Principall was transferred away for ever by that contract, in consideration of that fift part; which is contrary to *mutuating*, and *lending*.

*lending.* Lastly, he did not onely give them seede, but also did let them land to sow it upon, and to occupie withall; else their seede without lande would have done them no good: for lande they had none, unlesse they farmed it of *Pharao*: for *Joseph* had <sup>a</sup> bought all their land for *Pharao*, and had <sup>b</sup> put them cleane out of possession; so they tooke land againe in <sup>c</sup> farme; and afterward by statute it was graunted unto them <sup>d</sup> in fee-farme, and they became *Emphyteuta*, *fee-farmers* to *Pharao*. Now letting of land in fee-farme will be a slender patronage of putting of money, victuall, or corne to usurie. This consequence will never be proved: *Joseph* did let to the Egyptians land with a stocke of corne with it in fee-farme, *ergo* it is lawfull to put corne, victuall, and money to usurie. And marke his corollarie.

<sup>a</sup> Gen. 47. 10.  
<sup>b</sup> 21.  
<sup>c</sup> 24.  
<sup>d</sup> 26.

Out of which place it further appeareth, how un-Defendor.  
groundedly out of Aristotle the increase upon lone of money is condemned as unnaturall, because, forsooth, money begetteth not money; where as the Scripture condemneth indifferently the increase of foode, as well as of money: for notwithstanding it increaseth not, yet being well, and wisely imployed, turned and returned, is causeth greater increase than other things which are lent, which without imployment, and manuring will bring no increase; no not the ground it selfe of other commodities the best and surest.

Indeed out of this speech it appeareth how un-Answer.  
groundedly ἀλογιστῶς, and ἀλῶνις this Defendor argueth, and reasoneth: heere is his argument in the

I best

best fashion that I can bring it into : God condemneth the increase of vittaille, as well as of money : but vittaille though it doe not increase of it selfe, or lying still, yet being imploied it doth increase, and that increase is lawfull to be taken; *ergo*, money though not increasing it selfe, yet being well, and wisely imploied, turned, and returned, it causing increase, that increase likewise is lawfull to be taken. I denie in his antecedent that vittaille doth increase, for I cannot devise how it can, unlesse it be by miracle, as the woman of *Sarepta* meale, and oile; or as the Disciples loaves and fishes : for victuall hath no aptnesse to increase, no more then money hath. How long shall a man keepe a loafe or bread, a gallon of Beere, a pound of Butter, or Cheese, a stone of Mutton, or Beefe before it increase? or what may he do to it to make it increase? If he meane that the victuler maketh increase, and gaine by uttering his victual, that must be by selling, which contract he cannot make of money; for money is the price, which <sup>a</sup> *answereth to all*; and therefore cannot be the ware, and merchandize too. If he meane of corne; indeed that hath a vegetative, augmentative, and increasing nature, apt to increase; but being turned to victuall, and made edible, as parched, sodden, grinded, it is deprived, and spoiled of that nature, and aptnesse. If he meane of *seed-corne*, he is cleane beside the law, and out of the question; neither wil his comparison hold : for money hath not in it naturallie such an aptnesse to increase, as all kinde of seede hath :

• Ecclef. 10.  
19.

hath: doe what you can to money, you cannot make that increase; or more to grow of it, unlesse it be by *Alcumie*, which they call the arte of Multiplication: and whether it be lawful to take increase for money put to the *Alcumists*, I leave to them which know the virtue of the *Philosophers stone*, and haue skill in that arte. But without *Alcumie* I am sure it cannot be. Well more money may be added to it, but that *more* never came of it, or grew of it: for it hath no *suauit*, *potentiam*, *facultie*, aptnesse, or nature to increase, or to yeeld a profite, and commodity besides the thing, as ground hath, which he produceth for example: but how wisely a blinde man may see: for who did ever lende or mutuate ground? Ground, because it hath a naturall aptnesse to yeeld profit, and commoditie, so that the use may be severed from the thing, may be comodated; & consequently, something being paid for that use, it may be hired. Now such a use there cannot be of money, as money; of gold, as gold; of siluer, as siluer, perhaps there may be; but not of coine, or money. And if there be any such use, which may be transferred to the borrower, the propertie remaining in the lender, it cometh not within our question, or the contract of *mutuating*. Now heere our Defendor produceth two excellent properties of money.

*First, money hath a propertie of continuance without danger of perishing, which cattell, and other things subject to death, and diseases haue not.* Defendor.

Our Saviour Christ telleth us otherwise; whom *Answer.*

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this Defendor, be he never so great, and learned a man, must give me leave rather to credit. For dehorting us from the treasuring up of earthly treasures (whereof coine is no small part) he useth one argument taken from the nature of it, subject of it selfe to corruption, <sup>a</sup> namely to rust. And S. James telleth us plainly, that silver and gold are subject to rust, and canker : <sup>b</sup> *Your gold, and silver is cankered, and the rust of them shall be a witnesse against you.* <sup>c</sup> Another argument is taken from the danger of them, because they are subject to stealing, not onely if a man carry them in his purse, or keepe them in a chest ; but even if he wall them within a stone wall. *The theeues digge through, and steale.* And <sup>d</sup> S. Peter telleth *Simon Magus, Thy money perish with thee.* Therefore he did not thinke that money was not subject ἀπολεία to perishing, as this Defendor doth. Now compare it to cattell, and it is farre inferiour in the propertie of continuance. For though cattell be subiect to diseases, & death too : yet they are by nature αὐξητικαί, καὶ πολλαπλασιαστικαί *auētifickou, and multiplicative*, and therefore leave other in their roome behinde them ; whereby they have indeede a propertie of continuance, and almost of perpetuitie. But graunt that money had such a propertie of continuance without danger of perishing ; is it therefore lawfull to take usury for lending of it ? Why, who borroweth money to keepe it continually, or to hoord it up ? Or who is so madde as to pay usurie for this use, and propertie of it ? The poore user or borrower cares for no more

<sup>a</sup> Math. 6. 28.

<sup>b</sup> Jam. 5. 3.

<sup>c</sup> Math. 6. 28.

<sup>d</sup> Act. 8. 1

more, then if it will last telling it to his Creditor.

*The second propertie of it is ; that having money* Defendor.  
*there is no commoditie which a man may not have : so*  
*that though money be barren in one respect, yet it is*  
*more fruisfull than other commodities in regard of a*  
*greater and an oftner burden it is delivered off to the*  
*comfort of them, that know how to use it.*

First, this is not generally true; as the Spaniards *Answer.*  
 found by experience, who coming into the West  
 Indies, had many commodities of the Countrie,  
 which they needed, brought unto them by the In-  
 habitants: to whom they would offer for them mo-  
 ney, goodly pieces of golde coine, but the Indians  
 taking the money, would put it into their mouths,  
 and spit it out to the Spaniards againe, signifying  
 that they could not eate it, or make use of it; and  
 therefore would not part with their commodities  
 for money, unlesse they had such other commodi-  
 ties as would serue their use. Secondly though  
 money commonly bee the meane for all commo-  
 dities, and do answere to all; yet this use of money  
 cannot be seuered from the thing it selfe, that wee  
 may make that use of it, and keepe the thing, or  
 the propertie in the thing too. For indeed it is the  
 very right use of money, and this use of it, is the  
 spending of the very thing: and therefore can ne-  
 ver bee made of that thing but once; for money  
 cannot be spent twise, nor be twise delivered of  
 yong, saue onely in Usurie: which kinde of birth,  
 if he meane here, when hee speaketh of the great  
 and often burthen, which money is delivered of,



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he doeth but *principium petere*: for the lawfulnessse of that kind of birth, is the thing in question. Now then the use of money being the spending of the thing, shall I make euen, and equall recompence for the thing, and give for the use beside? Noe, but one thing answereth to both, they both being but one thing, and not severable. Because a pot of beere hath a propertie to coole thirst; shall I give a pot of beere againe for the beere I borrowed, and somewhat beside for the propertie of it, to coole my thirst? Because ten pounds in money will buy a horse worth ten pounds, must I answer ten pounds for the money, and ten shillings more for the propertie of the money to buy a horse? This is the comfort which the Defendor speaketh of, *A miserable comforter are you*, may the poore borrower say.

Job 16.2.

Defendor. Now where in this text vers. 36. There is beside the word of biting, another word which signifieth increase in the 37. verse, it is evident that the worde of biting was ascribed to the money, and the word of increase restrained to the food. So that they doe evidently force the words of this place, which apply the worde of increase unto money, which is here by the holy Ghost carried onely unto food. Wherefore also the Prophets being interpreters of the Law, it followeth that the places of Ezech. 18. and Proverb. 28. where both these words are used of biting, and multiplying: ought to be so expounded, as the biting be referred to the money, and the worde of multiplication to the food, or victuals, and not to money as is commonly done. If the holy Ghost had in any place forbidden:

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forbidden the increase of money, as he forbiddeth the biring of the brother in all things, as well money, as vi-ctuals; then there had beene reason to have applied the increase to money, but the Scripture not forbidding that any where, it is an over-reach so to apply it.

This evasion is both untrue, and also idle, *Answer.* and unable to doe him good. It is untrue, that it is an over-reach to apply *Tarbit* to money, or that *Tarbit* is restrained onely to victuall. For the worde which the holste Ghost *vers.* 37. carieth expressely to victuall, is not *Tarbit*, as he belyng the holie Ghost telleth us; but *Marbit*, which is a worde of more generall signification, applied to <sup>a</sup> *issue of body, increase of children*, <sup>b</sup> *increase of wisdom*, and so forth. But the word *Tarbit* which is used *vers.* 36. and *Prov.* 28. and *Ezech.* 18. & 22. is the proper name of usurie, and signifieth nothing else: so that *Tarbit*, and *Neshech* be שְׂכִירַת הַנֶּהֱכָרִים (as the Hebrues call them) that is *Synonyma*, words of one signification, though they differ in *Etymologie*, and origination: as the Latin *usura*, and *faenus* be: which though <sup>c</sup> *Cic. de Senect.* the one come of *fatuus*, the other of *usus*, yet signifie one, and the same thing, which we call usury: as appeareth in *Tully*, <sup>c</sup> *terra nunquam sine usura red- dit quod accepit; sed aliàs minore, plerumque maiore cum faenore*: and so we have in English *use*, and *lone*. And this is a usuall figure in Hebrue, as their Do-ctors often note בבל רבר במלות שבור to dub-ble the thing with two wordes. And that *Tarbit* and *Neshech* be *Synonyma* may appeare by many rea-sons

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sons. First whereas in this place *Moses* restraineth *Neshech* to money; yet *Deutr.* 23. 19. he stretcheth it to victuall also; which argueth that *Neshech* is generally of all things as well as of money. Secondly, the Chaldaean Paraphrast, when *Neshech*, and *Tarbitb* be put together, as he translateth *Tarbitb* alwaies *ribbitha*, which come both of one Primative, haue one etymon, and are one word differing onely in *Dialect*, but *Neshech* he translateth sometimes *Chibbulja*, sometime *Nuchtetha*; yet *Deut.* 23. 19. he translateth *Neshech* also *Ribbitha*: shewing plainely, that he tooke *Tarbitb* to be the same which *Neshech* is, and as generall as it, and of money as well as it: for *Ribbitha*, and *Tarbitb* differ in nothing but in dialect. Thirdly, as the Verbe signifying *τοκίζειν*, *facere*, to put to usurie, in Hebrue is conjugatum to *Neshech*: so in Chaldaean, which is but a dialect of the Hebrue, it is conjugatum to *Tarbitb*, which maketh them plaine Synonymaes. Fourthly the Hebrue Doctors make them Synonyma, & say *Tarbitb* is the same which *Neshech* is, as *Mordochai Nathan* in his *Tair Nathib* saith, *Tarbitb* is *בית שפירש בשך* the same which *Neshech* is. Fifthly, the *Septuagint* doe alwaies translate *Neshech* *τοκός*; and *τοκός*, and *Tarbitb* are al one, and have one and the same reason of their Etymologie, as before hath beene shewed. And so likewise doth the vulgar Latine translation translate *Neshech* sometime *usuram*, and sometime *fanus*: Now *fanus* also, is all one with *Tarbitb*, and hath the same reason of the Etymologie, being so called

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led *quia factus est mutui accepti*; and so is *Tarbitb*, as before hath beene shewed. Sixtly, there can be no reason given why *Tarbitb* should be attributed to victuall, but by the same reason it may be attributed to money: for the nature of victuall, and money in this respect is all one, and the one doth *רבית* *והוא*, *parere*, *increase*, as well as the other; both naturally unfruitfull, and barren; in usurie both made to yeeld fruit contrarie to nature: the dammage to the borrower in both alike. For what oddes whether I lend you ten pound of butter to have as much againe, & one pound over for lone: or lend you ten groats in money to buy it withall, to have as much money againe, and one pound of butter over, or one groat over for the lone: and so for all other kinde of victuals. And this evennesse, and equalitie in the nature of the things (namely that increase is alike lawfull, or unlawfull in the one as in the other) the Defendor himselfe confesseth. For seeing by his own construction that *Marbitb*, increase above the principall lent, is directly forbidden even in victuall, he commeth in with his old limitation, and qualification, so it be such as doth *not oppresse him, but relieue him*: which is the selfesame limitation, and qualification with which usurie of money is allowed by him: & without which the usurie of money is condemned by him. So that howsoever he would bleare the eies of the ignorant with a distinction of the wordes, yet he maketh the things all one, that is, alike lawfull, or unlawfull; and so indeed maketh his goodly distin-

## 66 Usuries Spright conjured.

tion meereley void, and vaine. Now to proove that the increase of victuall so qualified is lawfull, he useth this argument.

Defendor. *The word which is termed increase signifieth multiplication, which is not alwaies where more is taken then was given, but where much is given: it being more to multiply then to increase, as appeareth, Deut. 17. 16. where it being forbidden to the King to multiply horses, yet thereby is not forbidden, that the King should have many horses, but that he should not exceede and goe beyond measure. For it is manifest, that the good and religious Kings in their great victories against the Churches enemies, having many horses, reserved some for their owne use. And therefore if such an increase of victualls be taken as the poore may well live of, I see not how it is simplie unlawfull. Where also may be recalled backe againe the example of the Egyptians, which albeit they were brought to extreme povertie, yet received corne for the yeelding of an annuall increase for ever: and that as the hands of Ioseph, which governed the land in justice, and was beneficiall to all the subjectes of the same.*

Answer. All the copies of this booke, which I have seene, have (*when more is given*) but I take his meaning to be, when more is taken, that is, over-much, and excessiue: which appeared to be his meaning, both by his comparison, that to multiplie is more than to increase, and also by his testimonie alleaged out of *Deut. 17*. Now this acception, and signification of רבח which the holy Ghost useth, *Deut. 17*. and whereof *Tarbith* is derived, is untrue.

## Usuries Spright conjured. 67

true. For it doth not import an excessse, or multiplication beyond measure, but an increase in any measure, that is, more than that, which it is compared with-all, be it it-selfe, or another thing; For it is opposite to *מעט* *lesse*; *הרבה* is *more*, *מעט* is *lesse*: *הרבה* to grow more, or increase, *מעט* to grow lesse, or decrease: *הרבה* to make more: *המעט* to make lesse: as you may see, *Exod.* 16. 18. *Num.* 26. 54. *Hag.* 1. 6. and other places, where there is a bare comparison made by these wordes, without any respect of excessse any way. Therefore, when an excessse beyond measure is signified, the word is either doubled, as in *multiplying I will multiplie.* *Gen.* 3. 16. & 22. 17. or else some word of excessse is added: as in this place *באור* *valde*, *over much, or exceedingly*, verse 17. which *באור* is to bee understood in the rest, according to the exigence of the circumstances; else absurdities would follow. This place yeeldeth rather argumentes against his assertion, then any thing in favour of it. As first, God forbiddeth to multiply *1. Cor.* 7. 2. wives: but all increase of wives is unlawfull about his *אשתו* *his owne one*: Ergo, God forbidding *Marbith*, increase of victuals; all increase of victuals is unlawfull above his owne Principall. Secondly, the Verbe *הרבה* *harbeh*, to increase, or multiplie is attributed to money, Ergo, the nowne *Tarbit* which is *conjugatum* to it, is attributed to money. And this may stand for a seaventh argument, to prove that *Tarbit* is a *synonyma* to *Nesheeh*, and is of money, as well as of victuall.

## 68 *Usuries Spright conjured.*

Secondly, his evasion is idle, and would doe him no good. For graunt that this distinction of his were true, that in the phrase of *Moses* the word *Tarbitb* were restrained onely to that one kind of usurie which was in victuall, and never used for that kinde which was in money, what would he get by it? Surely if *Tarbitb* had never beene mentioned, the law of usury had not beene one whit enlarged; and being mentioned, it is not one ace abated, or restrained: for the word *Neshech* is large, forcible, and effectuall enough against usurie, as before hath beene shewed. And so for his recalling backe the example of the *Aegyptians* to this purpose, I desire the reader to remember what hath beene said of it before.

**Defendor.** *In Deuteronomie 23. 19. he forbiddeth to lend to usurie generally to any Jew, but there expressly in all those interdictes he useth the word of biting onely; a thing which is confessed simply unlawfull to be used to any man at any time, which is also the answer to the place of Psal. 15. where the word biting is also used.*

**Answer.** This is no good answer, for the word doth not signifie *biting*, but onely *usurie*, as before hath beene shewed.

**Defendor.** *There followeth Ezech. 18. 8. 13. 17. In all which places the generall which is forbidden is the oppression of the poore: of which generall, this is one speciall of biting, and multiplication: the one, as hath been said, by money, the other by victualls, and other things. Wherefore if usurie be so tempered, and qualified that it oppresse not the poore; it is plaine that it is not forbidden*



## Usuries Spright conjured. 69

*bidden in that place: much lesse if it be so measured, as it doth greatly comfort, and relieve him. Moreover, as he forbiddeth usurie there, so doth he in like degree forbid the retaining of a pledge for debt. Wherefore if there may be such a debtor, whose Creditor may keepe the pledge laid downe with him, untill he be satisfied of the debt: there may be also such a borrower, as the lender may without breach of the law take lone of him. But the former of these two is confessed, therefore the later cannot be denied.*

Usurie is not a *species* of any thing going before *Answer.* in that place of *Ezechiel*. Neither is oppression of the poore any *genus* there. In the 8. *verse* there goeth next before it the exercise of liberalitie in feeding the hungrie, and cloathing the naked; whereto usurie is an enimie, and therefore next forbidden: and next after it followeth committing of iniquitie, and not executing true judgement betweene man, and man: which in the 8. *verse* are coupled with it, and which may be done to other than to the poore. In the 13. *verse* he puts it next to Idolatrie, and abomination: and therefore he cannot make Usurie a *species* of the oppression of the poore, unlesse he make them so too. But this evasion hath before beene answered; and so have his other evasions of *biting*, & keeping of a pledge.

Proverb. 28. 8. *He that increaseth his substance* *Defendor.* *by biting (which must be understood through money, as before hath beene shewed) or by multiplication (which must be understood by victuals, or such like, as there also is set downe) shall gather it for him, that will*

70 Usuries Spright conjured.

show grace to the poore. Which if it be the true exposition of this place, the usurie before defended remaineth still untouched. But if this exposition be not admitted; then the latter end of the verse, which is an exposition of the former part thereof, declareth, that this is to be ment of such as take increase of the poore, & oppresse them by lending. For the Proverbe seemeth not obscurely to set forth this sence; that that which hath beene by a wicked covetous man taken away from the poore, shall be by a righteous liberall man restored to the poore againe. Thirdly, it must be observed, that this Proverbe, &c.

Answer.

His distinction of *Tarbish*, and *Neshech*, which himselfe doubteth of, and distrusteth here, hath beene answered before. His other evasion, that the later part of the verse is an exposition of the former, is contrarie to the rules of interpretation; for the one containeth the sinne, and the other the punishment. And it is but a shallow conceite, and forced construction, that the Usurer got his goods of the poore, because his successor will bestow them upon the poore; whereas *Solomon* speaketh generally. He that increaseth his riches by usurie.

Defendor.

Thirdly, it must be observed, that the Proverbe speaketh of him, whose trade is to gaine by usurie, and whose great wealth riseth no otherway then from thence, and so consequently is without the compasse of that usurie, which by the answer to the question is maintained.

Answer.

Though the Defendor say it must be, I thinke it may not be. For the Proverbe saith onely

מרבח  
הרב

## Usuries Spright conjured. 71

הורב *He that increaseth, or augmenteth his substance, or maketh it more.* Now if a man hath gotten 10000. pounds by other waies, and taken but 10. pounds, or 10. shillings for usurie once in his life, doubles he doth thereby increase & augment his substance so much, and make it so much more; and therefore comes within the condemnation of this sentence, though he make no occupation of usurie, nor have any great wealth arising by it. But I marveile, what is in the foresaid answere, to shut out him whose trade is to gaine by usurie, out of the compasse thereof. For truly I can see nothing there, but, so that I lend onely to the rich, to purchase or compasse great matters withall, he may lawfully make a trade of it, and have his greatest wealth arising by it.

There is one place more in the olde Testament from which *M.C.* gathereth an argument to proue the lawfulness of usurie, as a thing in his owne nature indifferent; namely, *Ier. 15. 10.* which he produceth in his answere to the fift questiō, which question being the last, containeth an objection against the lawfulness of borrowing upon usurie, in these words. *Lastly, when the Prophet Ieremie saith, I have neither lent upon usurie, nor any hath lent to me upon usurie, and yet they curse me, whether the word usurie expressed there twise, have one and the same sence and signification in either places, or in the first place to be taken in evill part, but not in the second.* To this *M.C.* answereth thus: *The roote of the word in both places is one, and the same,*

*M.C.*

## 72 Usuries Spright conjured.

and in neither place taken in euill part, neither in the signification of lending upon usurie; nor in the signification of borrowing upon usurie, but is of a thing indifferent of it selfe. And it is so farre, that that place doth make any thing against the lawfulnessse of usurie, that it rather giueth some strength to it. For the Prophet declareth his injurie to be so great, that he did not giue them any cause, nay not so much as any occasion iustly to hate him; considering that he did abstaine from that, which was not simply unlawfull: whereas if to lend, or borrow upon usurie had beene simply unlawfull, their unreasonableesse had not so greatly appeared.

In this answere M. C. bewrayeth some want of skill in the Originall tongue. For the word which the Prophet *Jeremy* useth, doth never signifie *Usury*, or *Usurious contract*; but is quite another thing: and therefore his indifferencie of the practise of usurie cannot be prooued, or holpen by that. The interpretation of the place is: *I did not credit them, nor they did credit me.* But it was not such a kind of creditor, and debtor, crediting, and owing, which is usuall amongst us, and according to the course of our law: but such a creditor *cui acquirebatur jus in bona debitoris*: which had acquired, and gotten a right unto the goods of the debtor, that he might seize the same to his proper use, and detaine them without further course of law (for so much as I can find in the Iewes *judicialls*) but onely of his owne authoritie, & <sup>a</sup> handfasting, as *Moses* speaketh, *Deut.* 15. till he were satisfied his debt. So it was not in the

the nature of an execution, whereby the thing is transferred to the Creditor absolutely, without libertie to the debtor to redeeme it: neither in the nature of a bare debt, by which with us the Creditor hath no right to the debtors goods; neither of an arrest, or distresse which requireth a course of law, and yet doth not transerre the property, or use of the thing presently to the Creditor; but it is a thing of another nature, after the Iudiciall law of that state, whereby the Creditor had authoritie to take any of the goods of the Debtors for his debt, and to detaine the same till he was satisfied; onely provided that the Creditor might not draw latch, or enter into the Debtors house to take what he thought good; but to take such as the Debtor could, and would spare: and also provided, that if it were the onely garment of a poore man, he restored it to him when he needed it to cover his nakednesse. Such a Creditor is called **הנשך** and **בשל** whom the Prophets wife feared would come and seize her two sonnes: Wherefore *Elisha* furnished her with Oyle to sell and satisfie him. And in danger of such Creditors stood the men that fled to *David*: and such a debt was to be remitted in the yeere of *Jublie*, the Creditors being forbidden to touch, or seize the Debtor, or his goods. And such a kinde of crediting to the poore is against the law of charitie, and overthroweth the office of *mutating, or lending*, and therefor prohibited by God, as well as usurie.

*If thou lend money unto my people (I meane) to the* Deut. 24. 10.  
1. Sam. 22. 2.  
Deut. 15.  
Exod. 22. 25.

L poore

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poore with thee, thou shalt not be to him as a Creditor.

Not meaning a plaine Creditor, for that must he be, so long as the other was in his debt, and did owe him the thing lent; but such a Creditor as I have described. And therefore *Nehemias* condemn-

Nehem 5.7.

10.

11.

3.

4.

ned it in the rich Iewes, and commaundeth release therof both in restoring the goods seized, as *lands,*

*Vine-yards, Olive-yards, houses:* as also in remit-

ting the debt; were it money, or wares, as *Corne,*

*Wine, Oyle,* which appeareth before to be the mat-

ter for which they grew in debt. And by this short

discourse the Defendor also may see his error, who

maketh *Nesheh*, to be all traffique and negatiation;

whereas it is but one kinde of crediting, as hath

been described, the debtor whereof *ὀστροχρῆσις, oba-*

*ratum*) is called *periphrasticus* אִשׁ אֲשֶׁר בִּרְשָׁהוּ

Out of the newe Testament there is alleaged one

place, *Luke 16. 35.* where our Saviour exhorteth

to Christian liberalitie toward those that want,

and to true brotherly love, whose nature is in her

benefites to respect the good of other, *not her owne:*

and for that part thereof which consisteth in mu-

tuating, or lending, our Saviour setteth downe the

rule thus (as *S. Mathew* recordeth it) *And from him*

*that would borrow of thee, turne not away:* expressing

the same, which *Moses* in his rule for mutuating

delivereth thus, *Let not thy eye be evill against thy*

*brother.* *S. Luke* setteth the rule downe thus: *lend*

*μὴ δι' ἀπλάνους:* now *ἀπλάνω* is not red in any o-

ther place of the Newe Testament, and in other

Greeke writers it signifieth *to be in wan-hope,* or *out*

of

1. Cor. 10. 4.

Math. 6. 42.

Deut. 15. 9.

# Usuries Spright conjured. 75

of hope, with an accusative case, as is here, as *οὐκ ἔστιν ἐλπίς αὐτοῦ*, to be out of hope of the sicke man, or to despaire of the sicke man. In which sence if we take it here, it seemeth that our Saviour respecteth that wan-hope, or despaire of the principall in regard of the neerenesse of the yeere of freedome, where-in there was to be a plaine *συναχθῆναι*, and generall release of all debts, which despaire Moses in his rule of mutuating mentioneth: *Beware that there be no wicked thought* (of despairing thy debt) *in thee, that thou shouldest say, the seaventh yeere is at hand, the yeere of freedome, therefore it grieveth thee to looke on thy poore brother, and lend him nothing.* Which yeere of freedome, when our Savionr spake this, was at hand, as I have shewed in my booke of the ground of Chronologie. But the Interpretors doe take this word here in another signification, in which else-where it is never read, in this sence, *lend, hoping for nothing of them*: so that the preposition *ἀπο* seemeth to be taken out of the verbe *δαναισθῆναι* in the former verse, *and if you lend to them, whom you hope to receive of.* Now what was that, which our Saviour would not have them to hope for of the borrower? The Principall? or the like kindnesse in pleasuring them with lending againe, or such offices, when they had neede? Not the Principall, as I take it, for these reasons. First, because then it should not be lending, but giving. Now our Saviour doth distinguish these two evidently: *Give to him that asketh; and from him that would borrow turne not away*: saith S. Mathew. Give

Math. 6. 42.



# 76 Usuries Spright conjured.

Luk. 6. 35.

to every one that asketh, and lend hoping for nothing, saith S. Luke. The difference of these two is, that in giving, the thing is quite transferred away, without any restoring of it againe, or hoping for it: in lending, the thing transferred away is to be restored againe. Secondly, in the ende of the former verse, in the example of the thing forbidden, there is expressed what it is, which in lending, we may not hope to receive, namely, *τὸ ἴον the like*. Now the Principall is not *τὸ ἴον the like*; but *τὸ αὐτὸ the same in specie*, as before hath beene shewed. For *τὸ ἴον* importeth the requiting the kindnesse and good turne, in dooing the like againe. For that which the Latines say *par pari referre, to doe him as good a turne*: the Greekes say *τὸ ἴον ἀντιδίδωμι*, & such an *ἴον*, or requiting, Paule would have Masters yeeld their servants, that they require their diligence, and faithfulnessse with due wages, and kindnesse. Thirdly, the relation of the other Christian offices here expressed by our Saviour doth import so much: *if you love them which love you; if you doe good to them which doe good to you*, and so, *if you lend to them of whom yee hope to receive the like*, that is, which lend to you: and proportionably in the preceptes; *love your enemies*, which love you not; *doe good to them*, which doe not good to you: *lend to them*, which lend not to you. This fence of this place doth utterly overthrow usurie. For if in lending we must not respect, or expect *τὸ ἴον*, the like good turne againe of the borrower; much lesse may we compact for usurie. For usurie is *πλεον,*  
*more,*

Col. 4. 1.

more, which is contrarie to *more*, in the excesse : and he which forbiddeth the like, doth rather forbid that which is more. Now let us see what he saith against it.

*This place maketh as little against usurie, as that which doth least. For, First of all our Saviour speaketh not at all of any negotiation, or contractes for gaine, but onely of relieving the poore, as appeareth in the 30. verse.* Defendor.

It is true that he speaketh not of any negotiation, or contractes for gaine, but of relieving the poore ; but he speaketh of giving, and lending, which are *contractus gratuiti*, free contractes, or else the nature of them is marred : which two kindes of communicating goods, *giving*, and *lending*, are not onely allowed by God, as the contractes of *buying*, *selling*, *setting*, and *hiring*, and such like are, but also are straightly and severely commaunded by God toward the poore and needy, having many threatnings menazed, if they be neglected, and many goodly promises annexed, if they be exercised according to Gods commaundement, and therefore our Saviour would have them exercised, & practized most freely, even without all hope of any recompence. But it is not true, that he speaketh there onely of *relieving the poore* : for he speaketh in the same verse of *loving one another*, and of *doing good one to another* : which duties are not restrained onely to the relieving of the poore ; neither doth any such thing appeare in the 30. verse. Whereas he speaketh of giving them that aske, which com-

Answer.

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monly indeed is of the poore : so he ioyneth wth it, *and from him that taketh away thy goods from thee, aske them not againe*, which is more likely to be done of other, than the poore, neither doth it touch the relieving of the poore.

Defendor. *Secondly, for that this, which is to be done, Christ commaundeth to be done even to our enimies. Now there is no reason, or law of God that I should lend my money to mine enimie.*

Answer. First, the words of the text have no such necessitie of lending to our enimies ; for *enimies* have relation to *love*, and therefore doe not love : but lending hath relation to such as are not able to lend againe. Yet by consequence it will follow from the text, that we must lend to our enimies ; for we are commaunded there to doe as-much, that is, *as goodne is to doe good, verse 27. & 35.* yea to doe more a great deale than lending, that is, *to love*. For it is an easier thing to lend to an enimie, than to love him. And there is great reason that we should lend to our very enimies, because God did more than lend to us being more his enimies. But I pray you how doth his conclusion follow hence? *That which he forbiddeth to be done, he commaundeth to be done to an enimie ; Ergo, This place maketh nothing against usurie.* I understand neither the antecedent, nor the consequence : that which is forbidden to be done is *ομαρτην, to hope for the like* : doth he commaund this, that is, *to hope for the like* of our enimies ? This I understand not : but this I understand out of this place, as he expoundeth it : It is  
not

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not lawfull to hope for *recompence, the like*, of our enemies to whom we lend: *Ergo*, it is a great deale lesse lawfull to take usurie of our friends, and neighbours.

*Thirdly, for that I am commanded to lend him,* Defendor.  
*though I were in apparant danger, or rather manifest to lose all, even the Principall: for the Greeke word signifieth to looke for nothing of that thou lendest; which is not onely proved out of the nature of the word, but also out of the circumstances of the place: for verse 34. he teacheth that one sinner lendeth to another to receive like, or as much againe.*

What the Greeke word signifieth, and what Answer.  
the circumstances of the place beare, you have heard better reasons before, than this Defendours bare word: and therefore I say no more, till I see more. But to his consequence: Doth this place make nothing against usurie, because, you are commanded to *lend* franckly, & freely without hoping, or looking for the principal againe? I think nothing maketh more against it: <sup>\* If our neighbour must be holpen even without any respect had of receiving the Principall againe: much more are usurie compactes forbidden, Beza in Luc. 6. 35.</sup> For much lesse may you compact for certaine gaine above the Principall. The speech of our Saviour Christ in this place is indefinite, and in the other member, which is brother to it, and more than it, it is universall *must to every one that asketh.*

To make some shew, that this place maketh nothing against usury: he taketh upon him to answer two objections, which he imagineth may be made here.

*If happily you say, we must lend to the poore often-* Defendor.

## 80 Usuries Spright conjured.

times without hope of recompence, yea, with hazard of the Principall: Ergo, we may not lend to the rich, of whose recompence may be looked for again: non sequitur. Christ commandeth us to call the poore to our table, which cannot call us againe, Ergo, we may not invite our rich friends, which can invite us againe: non sequitur.

*Answer.* And to conclude, Ergo, we may lend to the rich upon usurie, *Minus sequitur.*

*Defendor.* If you say, if he meant of relieving the poore, he would rather have spoken of giving, then of lending. I answer, that there is oftentimes more charitie shewed to a poore man in lending him somewhat, than in giving: for there are many poore, which being ashamed to begge, and receive an almes, would yet willingly borrow a peece of money, with mind to repay it, &c.

*Answer.* Grant this (for God commandeth lending to the poore, as well as giving, and they are both verie necessarie and beneficiall to the poore, in their severall places) yet will it not follow, that it is anie charitie to take usurie, or reliefe to pay usurie, for that which is lent to poore, or rich. *Basil* advising them that were unable to live, unlesse they tooke upon usurie, rather to begge; and they objecting that they were ashamed to begge; answereth, that it is more shame to take upon usurie, and deceive: for (saith he) any thing is more tolerable than to take upon usurie. And *Plutarke* having reckoned up many waies and trades for men to live by, concludeth, that of all those, none is so servile or shamefull, as to heare this voice of the Usurer, Pay that thou owest. And whereas many object, that they

*Basil. hom. in  
usurar.*

*a. d. v. l. x. d. y.*

*a. p. v. l. x. d. y.*

*b. p. v. l. x. d. y.*

*c. p. v. l. x. d. y.*

*d. p. v. l. x. d. y.*

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they cannot live without taking upon usurie: *Basil* answereth, πολλὰι ἐπιβολαὶ τῷ βίῳ, πολλὰι ἀφορμαί: There are many devises for a man to live by, many occasions: and *Plutark*, dost thou not see, how many waies the land, and how many meanes the sea doth offer thee to live by? And what kinde of charitie it is, and how much better than giving, to lend upon usurie, *Basil* sheweth in these wordes, πομπὰ δόνη ἐνδύειν, καὶ δίδωμι, καὶ λαμβάνω τῷ μὲν ἐν χρημασίᾳ, τῷ δὲ ἐν ψυχῇ φέροντα τὴν ζημίαν, a bad giving to both, to wit, the giver, and the receiver, bringing losse & damage, to the ones goods, and to the others soule. For the further defence, and maintaining of usurie, out of the new Testament he produceth three arguments.

I. The Apostles of our Saviour Christ in their sundrie catalogues of sinne, doe never once make any speciall mention of usurie in all their writings, whereby groweth a strong presumption of the lawfulnessse thereof. For in all likelihood they would not have kept silence therein, if their predecessors the Prophets had laboured so much against it, as they are supposed to have done by such as draw the testimonies above-said to the condemnation thereof: specially seeing it is well knowne that in the Romane Empire, under which they preached, usurie, and lene for money was much used, and that as lawfull, to the value of twelve in the hundreth. At the least *James*, *Peeter*, and *John* would not likely have forgotten it, which wrote particularly to the Jewes much given to that kind of gaine.

First I denie this consequence: There is no speciall mention of the forbidding of it by name in

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the

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the new Testament: *ergo* it is lawfull: for there are many breaches of the Morall law, yea many grosse finnes, which are not expressly mentioned, and forbidden by name in the New Testament: as namely *profaning of the Sabbath day: all the degrees of Incest save one; removing the neighbours marke: taking for pledge, or upon execution a poore mans onely weed; removing of land marks: Polygamie; gelousie, &c.* 2. It is forbidden in the old: and the new giveth no enlargement to sinne. 3. Neither is the taking of usurie of a poore man, that is in never so great distresse, forbidden by name in the new Testament, and therefore by this argument it should be also lawfull, contrarie to the assertion of *M.C.* who affirmeth it to be a breach of the morall law, and unlawfull. And yet by consequence usurie is sufficiently forbidden in the new Testament, as the

<sup>a</sup> *Basil. hom. ad usur.*

*Ambros. de Tobia. l. i. c. 15.*

*Hier. in Ezech. 18.*

*Com. lat. p. 16. Tit. de usura.*

*Theop. Wittenb. Melancthon.*

*&c.*

<sup>b</sup> *Nazianzen. de theol. l. 5.*

<sup>c</sup> *Appian. de bello Civili. l. 1.*

learned <sup>a</sup> Divines both of ancient time, and of latter ages doe acknowledge: <sup>b</sup> *and those things which are collected out of the Scripture, are as well, as those things which are written in the Scripture, as Nazianzene said, and they come under the second member of his quadripartite division there, τὰ ἐν τῇ σκρίβῃ ὅτι ἐν τῇ σκρίβῃ: which are in the Scripture, and yet are not named there.*

Now for his surmise of likelihood for the lawfulness of usurie in the Romane Emper, he should have shewed how *it is so well knowne*, else we shall hardly beleeve it, upon these inducements. <sup>c</sup> *Appian* affirmeth that the *ancient Romanes* abhorred usurie, and accompted it as *cheating, and cousening* (as the Persians



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Persians judged it full of deceite, and lying) and as a  
*naturall breeder of enmitie, and discord*, as the often  
 and horrible <sup>a</sup> troubles of that state, tumults, up- <sup>a See Liu. dec.</sup>  
 rores, secessions, and seditions about usurie doe <sup>1.2. & 1.5.</sup>  
 testifie: which Usurie grew, and was practized a-  
 mong them, as *Appian* there saith, by evill cus- <sup>Appian, de bri-</sup>  
 tome, and corruption of the times; not by any <sup>lo ciuili. 1.1. & c.</sup>  
 law, for their lawes were ever against it, either to  
 restraine it, when by means of the power of the  
 usurers they could doe no more; or utterly to a-  
 bolish and forbid it; and to punish the usurers. For <sup>b Liu. dec. 1.1.7.</sup>  
 in the yeere of Rome 398. *M. Duellius, L. Me-* <sup>de uncario sce-</sup>  
*nenius* got a law made, that the rate of Usurie <sup>nore.</sup>  
 should not exceede an ounce, that is, 8; in the ~~##~~  
 100. which was the highest rate that they suffered  
 by law unpunished: and within ten yeeres after, it  
 was brought to <sup>c</sup> halfe an ounce, that is, to 4<sup>o</sup> in <sup>c Liu. ibid. sce-</sup>  
 the 100. and all debts were forestald to be paid at <sup>nus Semiuneta-</sup>  
 foure payments in three yeeres: and in the yeere <sup>rium.</sup>  
<sup>d</sup> 411. the *Ædiles* sued diuers usurers upon that  
 Plebiscite, and had them <sup>e</sup> cruelly punished. But <sup>e Liu. ibid.</sup>  
 in the yeere <sup>f</sup> 413. *L. Genitius* got a Plebiscite enac- <sup>f Iudicia tristia.</sup>  
 ted <sup>g</sup> that no usurie should be taken, as our late Noble <sup>g Liu. ibid. in-</sup>  
 King *Edward* the sixt ordeined in his <sup>h</sup> statute. Of <sup>Ne fecerara</sup>  
 this proceeding against *usurie* from an ounce to <sup>liceret.</sup>  
 nothing <sup>i</sup> *Cornelius Tacitus*, who lived neere the <sup>h Anno 5. Edw.</sup>  
 Apostles times, maketh mention. The punishment <sup>6. c. 20.</sup>  
 of Usurers in that state, was to forfeite <sup>k</sup> fourefold, <sup>i Corn. Tac. an-</sup>  
 whereas theft was punished with restoring onely <sup>nal. lib. 6.</sup>  
 dubble, as *Cato* saith. The two <sup>l</sup> *Ogulnius* being *Æ-* <sup>k Cato de re rust.</sup>  
*diles* in the yeere 457. indited diuers Usurers, and <sup>l. 1. c. 1.</sup>

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of that part of the forfeitures, which came to the common treasure, made diverse great and memorable works, which you may see in *Livie*. Likewise

<sup>a</sup> *Lin.* dec. 4. l. 5. <sup>a</sup> *M. Tuccius*, and *P. Iunius Brutus*, being *Ædiles* in the yeere of Rome 502, made of the forfeitures of Usurers, golden chariots which they dedicated to *Jupiter*, and twelve golden shields; and built a porch without the gate *Trigemina*: and the like severe proceeding against usurers was followed afterward by other good magistrates of that state. For <sup>b</sup> *Asellius* the Pretor punished them severely in the yeere 665: and a little before the time of Christ & his Apostles, <sup>c</sup> *Tully* had restrained it in Sicilie; *I. Caesar* suppressed it generally by a law <sup>d</sup> that no usury should be taken, but the Principall onely paid: and <sup>e</sup> *Lucullus* in Asia (where the Apostles were most conversant) had utterly abandoned it, fore-stalling the debts in such sort, that the Creditor should receive the fourth part of the debtors renewes, till the Principall was paid, and if he exacted any usurie he should loose both usurie, and Principall; and so indeed was <sup>f</sup> *Platoes* law, which doubtlesse *Lucullus* remembred, and specially respected, being himself a great Academieque, as <sup>g</sup> *Plutarch* reportes him, and <sup>h</sup> *Tullie* makes him in his Academieque questions. Therefore it is unlikely that Usurie was so used in the Roman Empire, as he pretends. And for his other surmise, that the Jewes were so much given to it; and therefore that the Apostles which wrote particularly to them would not have forgotten it; I thinke that he slaundereth the Jewes

of

<sup>b</sup> *Appian.* de bello civil. l. 1.

<sup>c</sup> *Cic.* ad Attic.

l. 5. epist. 20.

<sup>d</sup> *Suet.* in Jul.

*Cæs.* c. 42.

<sup>e</sup> *Plus.* in Lucullo.

<sup>f</sup> *ἡ μὲν δαριζέου*

*ἐπὶ τούτω, ὅς*

*ἔδωκεν μὴ ἀπο*

*διδόναι τοῦ πα*

*ρὸς πᾶσι μὴτε*

*το κοινὸν μὴτε*

*κεφάλαιον.*

*Plat.* de leg. l. 5.

<sup>g</sup> *Plut.* ibidem.

<sup>h</sup> *Cic.* quæst.

*Acad.*

of that time, which did not practize usurie so commonly, as he weeneth, but rather they offended in another kind, which *S. James* reprehended in them, namely, hoording up of money till it rusted, and cankred: *Your gold, and silver is cankred, and the rust* Iam. 5. 3.

*thereof, &c.* Now had these Iewes beene so much given to usurie, as this Defendor would perswade us; doubtlesse the turning, and returning of their money, would have kept it from rusting, and cankering. Moreover, if the Iewes did practize usurie in the Apostles times, yet it was but unto Aliants, (for even at this day they will not in any wise take usurie of their brethren) and that usurie was lawfull, and commaunded by *Moses*, *To the Aliant thou shalt usurie.* Deut. 23. 20. With whose ordinances the Apostles were loth to be over-busie, as appeareth by the fact of *Paule*, and the opinion of all the Apostles.

*Act. 21. 20. 21.*

2. Our Saviour Christ is so farre from condemning Defendor, it, that he seemeth to give some allowance to it: for reproving the servant which suffered his talent lye idle, he affirmeth, that he should have delivered it to the bankers, that the Lord might have receaved his owne with increase. Whereby he doth speake of that gaine, as of a lawfull use of money: and withall seemeth to note, that if a man have no other lawfull trade to occupie his money in; it were better for him to let it out to use, then to let it lye idle by him. For Parables, especially of our Saviour Christ doe keepe a comeliness, and seemeliness of speech, fit for the persons, and the things, by whom, and of which they are spoken. This part of the Parable

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being the speech of a Master, which resembleth the Sonne of God himselfe, it is not like that our Saviour Christ would ascribe such a speech unto him, which representeth his owne selfe, as should cary a note of an evil, and dishonest thing. Neither can it serve for an answer, that he compareth his comming to the suddaine breaking of a thiefe into the house. For although theft be an unlawfull act, that wherein Christ his comming onely is compared, is not unlawfull, nor condemned.

*Answer.*

Exod. 22, 6.

Luk. 16.

No? Is not a thieves privie breaking into a mans house in the night an act unlawfull? Then Moses did ill to make the killing of such a man a lawfull act, though he were taken but in breaking in, before he had stolen any thing, or done any harme. Our Saviour likewise setteth forth the carefulnesse, and forecasting, which Christians should have in compassing eternall life, to a servant, which to maintaine his bodily life deceived his Master in his accompts, and saved somewhat to maintaine his life; and the servant is commended for his wisdom in it in holy Scripture: doth our Saviour therein give any allowance to servants deceiving of their masters in their accompts? and yet the servants very deceiving of his master in his accompts, is that wherein the care of Christians is compared, to use the Defensors words. That which is set downe in the Parable is a thing of it selfe unlawfull; but yet is often done by the men of *the generation of this world*; and therein το πνευ, the *deco-rum*, and comelinesse consisteth, and is observed: but that which is set forth, and represented by the Parable,

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Parable, is a thing lawfull, namely, the increase of spirituall graces in the Church to the glory of Christ, gotten by the profitable imployment of the giftes lent us of God. Thus much in defence of that answere. Yet that answere is not needfull to this argument: for that usurie, which those bankers used, was then a lawfull trade, and action: namely, for the Iewes to lend upon usurie to the Aliantes, and to receive usurie of them: being made lawfull in that case by Gods law, being yet then in force: and therefore lawfully practized by the Iewes upon the Aliantes at that time when our Saviour uttered this Parable: unlesse he can proue that those bankers tooke usurie of their brethren the Iewes; which they abhorre to doe at this day.

3 *There is not any of the properties of true love recited 1. Cor. 13, contrarie to this usurie. For even that which seemeth most to strike at it, Love seeketh not her owne, may dwell together with usurie which is here propounded: considering that I am bound to love my brother no otherwise than my selfe: and therefore not to seeke him, and his, but that withall I have regard to me, and mine: both which are performed, when usurie is so handled, that both the lender, and the borrower have reasonable gaine, &c.* Defendor.

But usurie can never be so handled that the borrower may gaine by paying it: because whatsoever he payeth for usurie, he payeth of his owne goods, and doth so much diminish his owne substance, as before hath beene shewed. And therefore

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fore this propertie of love doth strike usurie dead, because the Usurer seeketh not onely his owne, and assureth it too; which love doth not; but also seeketh, and taketh that which is none of his owne, but another mans: which appeareth most evidently by the position of this Defendor in the next wordes almost, where he saith, *that in some case the lender may wish a good conscience exact his Principall wish increase, where the borrower hath gained nothing.* Here is the usurers conscience indeed. And howsoever some pretend that they looke but for part of the gaine; *lucrum de lucro*, not *nummum de nummo* as he said before: yet when it commeth to the point, the borrower shall finde this to be their conscience, that they will be sure to have their Principall, and lone too; gaine he, or gaine he not; yea though he lose by it too: as this Defendor sheweth not obscurely in the next wordes. *If the borrower be a man fallen in decay, the lender is bound in Christian duetie not onely not to exact his gaine so covenanted, but even to forgive the Principall if his estate will beare it.* Here betw<sup>o</sup> exceptions concurring together, without which the lender may exact his covenanted gaine, though the borrower loose by it. First, the borrower must be in decay; so that if he be not a decayed man, though he doe loose by using their money, he must pay the usurie. Secondly, the lenders state must beare it. And this I doubt he will hardly be perswaded, that his estate will beare the losing of his lone; for it is his living, he cannot spare it. For  
there

there is no kind of men that make themselves more needy then the Usurers doe. So then in the winding up, the Defendor hath acquainted us with the scantling of the Usurers conscience: and the borrower may assure himselfe to finde it broader, and worse, pretend they what they will. But he miscalleth it when he calles it a *good conscience*: for what conscience is it, that an occupier shall bee a rich mans servant, to occupie his stocke for him, while he lyeth idely at home, or followeth his pleasures: and by such crosses, as God layeth upon him, to loose by it; and yet not onely to make his stocke good, but also to yeeld him profit, and gaine for it? Or what conscience is it, that saving but the Principall, he shall pay all the Principall to the usurer, and beare himselfe all the losse of his owne paines, industrie, and skill; as deere to him, and commonly a great deale dearer, than the money to the Usurer? Nay, what conscience is it, that a man borrowing money of another, and venturing the same together with his industrie, and labour, and time; and in the end by turning, and returning of it, gaine somewhat toward his maintenance: then the Usurer shall come in, and take away the best part of his gaine; never venturing any thing in the action? And yet all this is *good conscience* with usurers; as this Defendor confesseth: and if he denied it, our lamentable experience testifieth it too apparantly. But all men know, that it is contrary to naturall and common equitie, which requireth equalitie in the actions and dealings be-

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tweene

*Lendinge  
standes to the  
without expect*

*the principall  
than no other  
ingratitudo*



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twene man and man: not that the one have the ease and profit, and the other be at all the paine and perill; and the faithfull know, that it is against Gods will, who will not that one have ease, and other the burthen. 2. Cor. 8. 3. Now in that he said here *that usurie is not against the love of our neighbour*; perhaps he meaneth (as some other object) that the Usurer doth, as he would be done unto: for, wanting money for his neede, he would gladly give ten in the hundred; and thanks too. But this is easily answered. First, that rule of our Saviour Christ is not generall, but restrainable to that will of man, which is ruled by nature, and Gods law: otherwise many absurdities would follow. The Magistrate being in the malefactors case would gladly be pardoned; *Ergo*, he must pardon the malefactor. Some man could be content, that another should lye with his wife, whom he cares not for himselfe: *Ergo*, he may lye with another mans wife, whom he loveth better. Some desperate fellow would be glad that another should kill him, as *Saul* was: *Ergo*, he may kill another. Secondly, the Usurers assumption is false, for he doth not will that absolutely, or freely; but of force, and constraint; because without paying after that rate, he cannot have it: may absolutely he would have it to serve his turne, and pay nothing. If Usurers be so impudent as to deny, that they had rather in their neede and necessitie have money lent them freely, than upon usurie, their owne practise doth bewray their will. I have had little conversment with them,

or

or acquaintance with their doings, *ἐν γὰρ πᾶσι τοῖς αἵμας θεοῦ ἠλάσται οὐδε μὲν ἴππου*, as <sup>a</sup> he said) & yet I can name for neede halfe a dosen at the least of my knowledge (*& si uxum noris omnes noris: ken one ken all*, as the Poet said) that needing money upon occasion, their owne being out at use, have borrowed of other, whom they thinke will take no usurie, at the least they will offer him none. And other I have knowne, and can prove, that not having in hand to pleasure a sure man, that would give good considerations have made meanes to borrow the summe of a friend, for the time, and taken the usurie himselfe, without allowing, or offering one penny of it to him whose the Principal was: & one of these being in a sort demaunded it, tooke it in such dudgeon, that he was scarce good friends with the demander afterwards. Trie it who will, and he shall hardly find one of a thousand (that is *Salomons* oddes) that will pay usurie himselfe, though he lend never so much upon usurie, if there be any likely meanes for him to get it without.

Thus haist thou gentle reader, my goodwill, and indeuour to maintaine the truth of God set downe in his word, against the common sinne of usurie: the haynousnesse, and horriblenes whereof, other men have set forth at large: of whom among many excellent writers, I specially commend to thy reading, among the Philosophers, *Plutarch*, *de non facerando*: among the ancient Fathers *S. Basils* homily against usurers: among latter Divines, *Chemnicus* common place, *de paupertate*, c. 5. & 6: among

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the Civilians, our owne Doctor *Wilsons* discourse upon Usurie. I thought it enough for me here, to cleare the doctrine of our Church, from the cavils and sophistications of this Usurie-defendor, set forth in this Pamphlet; which I know doth much harme in our Church, and Common-wealth, in dazeling the eyes of many, and drawing them into this notorious breach of Gods law, which otherwise are Christianly minded, and have a care of their waies, and would be most loath for any gaine to runne into contempt of Gods law. And now they having here, as a brieife, and familiar, so I hope a sufficient answer, shewing their errors without blazing, or blemishing their names; I humbly beseech the Lord to open the eyes both of the teachers, and Defendors of Usurie, and also of all the practizers of the same, that they may see their nakednesse under their fig-leaves, and behold the foulness of their sinne, under these *woolles*, and visardes, and waigh the dangerousnesse of their estate; that they may in time repent, and so avoid the Lords dreadfull judgements, which never can be avoyded with the sophisticall cavilles, and colourable gloses of mans wit.

*Isaiah. 51. 20.* *Woe be to them that call evil good, setting darke-*

*nesse for light, sower for sweete.*

